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For review by the EAC's Advisory Boards

TABLE 1 – Voter ID Requirements²⁰

State	Maximum Forms of ID Required 2004	Current ID Requirement for First-Time Voters	Current ID Requirements for All Other Voters	Verification Method for Provisional Ballots
Alabama	Provide ID	Provide ID	Provide ID	Address & Registration
Alaska	Provide ID	Provide ID	Provide ID	Signature
Arizona	Provide ID	Gov-issued Photo ID	Gov-issued Photo ID ¹	Address & Registration
Arkansas	Provide ID	Provide ID	Provide ID	Address & Registration
California	Sign Name	Sign Name	Sign Name	Signature
Colorado	Provide ID	Provide ID	Provide ID	Address & Registration
Connecticut	Provide ID	Provide ID	Provide ID	Affidavit
D.C.	Sign Name	Provide ID*	Sign Name	Address & Registration
Delaware	Provide ID	Provide ID	Provide ID	Affidavit
Florida	Photo ID ²	Photo ID	Photo ID	Signature
Georgia	Provide ID	Gov. Issued Photo ID	Gov. Issued Photo ID	Affidavit
Hawaii	Photo ID ^{AA}	Photo ID	Photo ID ^{AA}	Affidavit
Idaho	Sign Name	Provide ID*	Sign Name	EDR
Illinois	Give Name	Provide ID*	Match Sig.	Affidavit
Indiana	Sign Name	Gov. Issued Photo ID	Gov. Issued Photo ID	Bring ID Later
Iowa	Sign Name	Provide ID*	Sign Name	Bring ID Later
Kansas	Sign Name	Sign Name	Sign Name	Bring ID Later
Kentucky	Provide ID	Provide ID	Provide ID	Affidavit
Louisiana	Photo ID	Photo ID	Photo ID ^A	DOB and Address
Maine	Give Name	Provide ID*	Give Name	EDR
Maryland	Sign Name	Provide ID*	Sign Name	Bring ID Later
Mass.	Give Name	Provide ID*	Give Name	Affidavit
Michigan	Sign Name	Provide ID*	Sign Name	Bring ID Later
Minnesota	Sign Name	Provide ID*	Sign Name	EDR
Mississippi	Sign Name	Provide ID*	Sign Name	Affidavit
Missouri	Provide ID	Provide ID*	Provide ID	Address & Registration
Montana	Provide ID	Provide ID*	Provide ID	Bring ID Later
Nebraska	Sign Name	Provide ID*	Sign Name	Affidavit
Nevada	Match Sig.	Provide ID*	Match Sig.	Affidavit
New Jersey	Match Sig.	Provide ID*	Match Sig.	Bring ID Later
New Mexico	Sign Name	Provide ID	Provide ID	Bring ID Later
New York	Match Sig.	Provide ID*	Match Sig.	Affidavit
NH	Give Name	Provide ID	Give Name	EDR
North Carolina	Give Name	Provide ID*	Give Name	Varies
North Dakota	Provide ID	Provide ID	Provide ID	No Registration
Ohio	Match Sig.	Provide ID	Provide ID	Address & Registration
Oklahoma	Sign Name	Provide ID*	Sign Name	Address & Registration
Oregon	Match Sig.	Provide ID*	Match Sig.	Signature
Penn.	Match Sig.	Provide ID ⁴	Match Sig.	Address & Registration
Rhode Island	Give Name	Provide ID*	Give Name	Address & Registration

²⁰ See Appendix 1 for a more detailed summary, including citations and statutory language, of the identification requirements in each state.

028722

REVISED FINAL D R A F T
For review by the EAC's Advisory Boards

South Carolina	Photo ID ⁵	Photo ID	Photo ID ^{^^}	Address & Registration
South Dakota	Photo ID ⁶	Photo ID	Photo ID ^{^^}	Affidavit
Tennessee	Provide ID	Provide ID ⁷	Provide ID	Affidavit
Texas	Provide ID	Provide ID ⁸	Provide ID	Bring ID Later
Utah	Give Name	Provide ID	Give Name	Bring ID Later
Vermont	Give Name	Provide ID	Give Name	Affidavit
Virginia	Provide ID	Provide ID	Provide ID	Affidavit
Washington	Sign Name	Provide ID	Provide ID	Address & Registration
West Virginia	Match Sig.	Provide ID	Match Sig.	Address & Registration
Wisconsin	Give Name	Provide ID	Give Name	Bring ID Later
Wyoming	Give Name	Provide ID	Give Name	Affidavit

* States applies only HAVA's ID requirement, applicable to first-time voters who registered by mail and did not provide applicable ID at the time of registration.

¹ Arizona voters who lack a photo ID may present 2 forms of ID with no photograph.

² Florida required a photo ID in 2004, but voters without that credential could sign an affidavit concerning their identity and eligibility and cast a regular ballot. Florida subsequently changed its law to require that voters present photo ID to cast a regular ballot, though voters without photo ID may still cast a provisional ballot by signing an affidavit, which ballot should ordinarily be counted.

³ Louisiana required a photo ID in 2004. Voters without that credential could sign an affidavit concerning their identity and eligibility and cast a regular ballot.

⁴ Pennsylvania requires ID of all first-time voters, whether they registered by mail or in-person.

⁵ Voters lacking a photo ID could vote by providing another form of ID in 2004.

⁶ Voters lacking a photo ID could vote by providing another form of ID in 2004.

⁷ Tennessee voters must provide signature and address. In counties without computerized lists, the signature is compared to the registration card. In counties with computerized lists, the signature is compared to a signature on ID presented with the registration.

⁸ Texas voters must present a current registration certificate. Those without a certificate can vote provisionally after completing an affidavit.

Relationship of Voter ID requirements to Turnout

The statistical analysis examined the potential variation in turnout rates based on the type of voter identification required in each state on Election Day 2004 using two sets of data: aggregate turnout data at the county level for each state, as compiled by the Eagleton Institute of Politics, and individual-level survey data included in the November 2004 Current Population Survey conducted by the U.S. Census Bureau.

The statistical analysis examined turnout among U.S. citizens of voting age in both the aggregate and the individual-level data. Determining citizenship status in the individual-level data simply involved restricting the analyses to individuals who identified themselves as citizens in the November 2004 Current Population Survey. (Those who said they were not citizens did not have the opportunity to answer the supplemental voting questions contained in the Current Population Survey.)

028723

REVISED FINAL D R A F T
For review by the EAC's Advisory Boards

Findings of the statistical analysis

The analysis looked at the voter identification requirements in two ways, as a continuous variable and as a series of discrete variables. As a continuous variable the maximum voter identification requirements are ranked according to how demanding they were judged to be, with photo ID as the most demanding requirement. As discrete variables, the statistical analysis assume that stating name is the least demanding ID requirement and compare each other requirement to it.

The analysis treating the requirements as a continuous variable offers some statistical support for the premise that as the level of required proof increases, turnout declines. Averaging across counties in each state, statewide turnout is negatively correlated with maximum voter identification requirements ($r = -.30, p < .05$). In considering the array of minimum requirements, with affidavit as the most demanding requirement, however, the correlation between voter identification and turnout is negative, but it is not statistically significant ($r = -.20, p = .16$). This suggests that the relationship between turnout rates and minimum requirements may not be linear. Breaking down the turnout rates by type of requirement reveals in greater detail the relationship between voter identification requirements and voter turnout.

Table 2 – Variation in 2004 State Turnout Based on Voter Identification Requirements

Maximum Requirement		Minimum Requirement	
Voter Identification Required in the States	Mean Voter Turnout for States in that Category	Voter Identification Required in the States	Mean Voter Turnout for States in that Category
State Name	64.2 %	State Name	63.0 %
Sign Name	61.1 %	Sign Name	60.4 %
Match Signature	60.9 %	Match Signature	61.7 %
Provide Non-Photo ID	59.3 %	Provide Non-Photo ID	59.0 %
Provide Photo ID	58.1 %	Swear Affidavit	60.1 %
Average Turnout (All States)	60.9 %		

This table displays the mean turnout using the aggregate county level data for each state in 2004.

The aggregate data show that 60.9 percent of the estimated citizen voting age population voted in 2004. Differences in voter turnout at the state level in 2004 varied based on voter identification requirements. Taking into account the maximum requirements, an average of 64.6 percent of the voting age population turned out in states that required voters to state their names, compared to 58.1 percent in states that required photo identification. A similar trend

REVISED FINAL D R A F T
For review by the EAC's Advisory Boards

emerged when considering minimum requirements. Sixty-three percent of the voting age population turned out in states requiring voters to state their names, compared to 60.1 percent in states that required an affidavit from voters. Given the lack of a clear, consistent linear relationship between turnout and minimum identification requirements, however, we opted to treat the voter identification requirements as a series of dichotomous variables in subsequent analyses.²¹

Voter identification requirements are just one factor that may affect voter turnout. Multivariate models that take into account other predictors of turnout can paint a more complete picture of the relationship between voter identification requirements and turnout. This analysis estimated the effects of voter identification requirements in multivariate models that also took into account the electoral context in 2004 and demographic characteristics of the population in each county. While the model takes account of several important variables, statistical models do not capture all the messiness of the real world. It is a simplification of a complex reality, and its results should be treated with appropriate caution.

The model also took into account such variables as:

- Was the county in a presidential battleground state?
- Was the county was in a state with a competitive race for governor and/or the U.S. Senate?
- Percentage of the voting-age population in each county that was Hispanic or African-American²²
- Percentage of county residents age 65 and older
- Percentage of county residents below the poverty line

Another contextual factor to consider is voter registration requirements, such as the deadline for registration. As states set the deadline farther away from Election Day, the task of remembering to register to vote becomes more challenging. Thus our model takes into account the number of days between each state's registration deadline and the election.

²¹ The voter identification requirements are coded as a series of dummy variables, coding each variable as one if the requirement existed in a given state, and zero otherwise. This yielded five dichotomous variables for maximum requirements (state name, sign name, match signature, non-photo identification, or photo identification), and five dichotomous variables for minimum requirements (state name, sign name, match signature, non-photo identification, or providing an affidavit). Omitted is the variable for stating one's name so that it could serve as the reference category in comparison with the other four identification requirements in each of the statistical analyses.

²² The U.S. Census projections for 2003 provided the data for the percentage of the voting-age population in each county that was Hispanic or African-American and for the percentage of county residents age 65 and older.

028725

REVISED FINAL D R A F T
For review by the EAC's Advisory Boards

The dependent variable in each model was voter turnout at the county level, with turnout calculated as the percentage of the citizen voting-age population that voted in the 2004 election.

The results of this modeling suggest that voter identification requirements such as signature matching, a non-photo ID or a photo ID are associated with lower turnout than in states that required voters to simply state their name, holding constant the electoral context and demographic variables.

Contextual factors, such as whether the county was in a battleground state or whether that state had a competitive race for governor and/or U.S. Senate, were associated with increased voter turnout. The time between the closing date for registration and the election was correlated with a slight negative effect on turnout. As the percentage of Hispanics in the county's population increased, turnout declined. The percentage of senior citizens in the county and household median income were associated with higher turnout. The percentage of African-Americans in the county did not have a significant effect in the model. The percentage of senior citizens in the county and household median income showed a positive correlation with turnout. In this aggregate model, the percentage of African-Americans in the county was not associated with a significant difference in turnout.

The relationship of the minimum voter identification requirements to turnout was not demonstrated. None of the dummy variables for voter identification requirements were statistically significant. Being a battleground state and having a competitive statewide race were significant and positive, as was the percentage of senior citizens in the county and household median income. The percentage of Hispanics in the county's population continued to be associated with reduced turnout, as was the number of days between the closing date for registration and the election.²³

Analysis of the aggregate data at the county level generates some support for the hypothesis that stricter identification requirements are correlated with lower turnout. For the maximum

²³ This test incorporated a series of interactions between the maximum and minimum voter identification requirements and the percentage of African-Americans and Hispanics living in the counties. In each case the interactions did not improve the fit of the models to the data. See tables A-1 and A-2 in the appendix of Vercellotti's paper in the appendices.

028726

REVISED FINAL D R A F T
For review by the EAC's Advisory Boards

requirements, a signature match, non-photo identification or photo identification were correlated with lower turnout in 2004, compared to requiring that voters simply state their names.

Aggregate data, however, cannot fully capture the individual demographic factors that may figure into the decision to turn out to vote.²⁴ Voter identification requirements could have a relationship to the turnout of particular groups of voters, in ways that county-level aggregate data on turnout would not capture. To explore the effects of voter identification requirements on turnout more completely, it is important to examine individual-level data as well.

Individual-level Analysis

Individual-level turnout data exists in the November 2004 Current Population Survey conducted by the U.S. Census Bureau. The Census Bureau conducts the CPS monthly to measure unemployment and other workforce data, but the bureau adds a battery of voter participation questions to the November survey in even-numbered years to coincide with either a presidential or midterm Congressional election.

One of the of the CPS is the sheer size of the sample. The survey's Voting and Registration Supplement consisted of interviews, either by telephone or in person, with 96,452 respondents.²⁵ The large sample size permits analyses of smaller groups, such as Black or Hispanic voters or voters with less than a high school education. The statistical analysis in relying on the CPS is based on reports from *self-described* registered voters. Omitted are those who said they were not registered to vote, as are those who said they cast absentee ballots because the identification requirements for absentee ballots may differ from those required when one votes in person. Eliminated from the sample are respondents who said they were not U.S. citizens; the questionnaire design skipped those individuals past the voter registration and turnout questions in the survey. In addition to the voter identification requirements, the models include other socioeconomic, demographic, and political environment factors that might have

²⁴ For example, previous research has found that education is a powerful determinant of turnout (Wolfinger and Rosenstone 1980, but see also Nagler 1991).²⁴ Married people also are more likely to vote than those who are not married (Alvarez and Ansolabehere 2002; Alvarez, Nagler and Wilson 2004; Fisher, Kenny, and Morton 1993).

²⁵ It is important to note that the Census Bureau allows respondents to answer on behalf of themselves and others in the household during the interview. While proxy reporting of voter turnout raises the possibility of inaccurate reports concerning whether another member of the household voted, follow-up interviews with those for whom a proxy report had been given in the November 1984 CPS showed 99 percent agreement between the proxy report and the information given by the follow-up respondent (U.S. Census Bureau 1990).

028727

REVISED FINAL D R A F T
For review by the EAC's Advisory Boards

influenced turnout in 2004.²⁶ The dependent variable in these analyses is whether a respondent said he or she voted in the November 2004 election.²⁷

In the model, three of the voter identification requirements have a statistically significant correlation with whether survey respondents said they had voted in 2004. That is, compared to states that require voters only to state their names, the requirement to sign one's name, provide a non-photo ID, or photo ID in the maximum requirements or affidavit in the minimum is associated with lower turnout.

Of the other state factors, only the competitiveness of the presidential race showed a significant, correlation with increased turnout. In terms of demographic influences, African-American voters were more likely than white voters or other voters to say they had cast a ballot, while Asian-Americans were less likely than white or other voters to say they had turned out. Hispanic voters were not statistically different from white or other voters in terms of reported turnout. Consistent with previous research, income, and marital status all were positive predictors of voting. Women also were more likely to say they voted than men. Among the age categories, those ages 45 to 64 and 65 and older were more likely than those ages 18 to 24 to say they voted. Respondents who had earned a high school diploma, attended some college, graduated from college or attended graduate school were all more likely to say they voted than those who had not finished high school.

While the probit models provide statistical evidence for the relationship of voter identification requirements and other variables to turnout, probit coefficients do not lend themselves to intuitive interpretation.²⁸ Table 3 below shows predicted probabilities (calculated from the probit coefficients) of voting for each level of voter identification requirements while holding all other independent variables in the models at their means.²⁹

²⁶ The models are estimated using probit analysis, which calculates the effects of independent variables on the probability that an event occurred – in this case whether a respondent said he or she voted and using robust standard errors to control for correlated error terms for observations from within the same state.

²⁷ The U.S. Census Bureau reported, based on the November 2004 CPS, that 89 percent of those who identified themselves as registered voters said they voted in 2004 (U.S. Census Bureau 2005). Previous research has shown that, generally speaking, some survey respondents overstate their incidence of voting. Researchers speculate that over-reports may be due to the social desirability that accompanies saying one has done his or her civic duty, or a reluctance to appear outside the mainstream of American political culture (U.S. Census Bureau 1990). It is also possible that voting is an indication of civic engagement that predisposes voters to agree to complete surveys at a higher rate than non-voters (Flanigan and Zingale 2002). Hence the voter turnout rates reported in the CPS tend to be up to 10 percentage points higher than the actual turnout rate for the nation (Flanigan and Zingale 2002). Even with this caveat, however, the CPS serves as a widely accepted source of data on voting behavior.

²⁸ A probit model is a popular specification of a generalized linear regression model, using the probit link function.

²⁹ In the case of dichotomous independent variables, holding them at their mean amounted to holding them at the percentage of the sample that was coded 1 for the variable (Long 1997).

025728

REVISED FINAL D R A F T
For review by the EAC's Advisory Boards

Table 3. Predicted probability of voter turnout – all voters		
	Maximum requirement	Minimum requirement
State name	91.7%	91.5%
Sign name	89.9%	90.2%
Match signature	Not significant	Not significant
Non-photo ID	89.0%	89.0%
Photo ID	88.8%	----
Affidavit	----	87.5%
Total difference from “state name” to “photo ID” or “affidavit”	2.9%	4.0%
N	54,973	
Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies stating one’s name to providing photo identification or an affidavit, with all other variables held constant. N.S. = nonsignificant coefficient in the probit model.		
Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.		

Taking into account that signature matches were not a predictor of turnout, the differences in predicted probability decline from stating one's name to providing a photo identification or affidavit. Voters in states that required photo identification were 2.7 percent less likely to vote than voters in states where individuals had to give their names.³⁰ In terms of the minimum requirement, voters in states that required an affidavit at minimum were 4 percent less likely to turn out than voters in states where they had to give their names.

The differences were more pronounced for those lower in education. Constraining the model to show predicted probabilities only for those with less than a high school diploma, the probability of voting was 5.1 percent lower in states that required photo identification as the maximum requirement and 7 percent lower in states that required an affidavit as the minimum requirement compared to states where stating one's name was the maximum or minimum requirement.

³⁰ The voter turnout percentages may seem disproportionately high compared to the turnout rates reported in the aggregate data analysis. It is important to consider that the turnout rates in the aggregate data were a proportion of all citizens of voting-age population, while the turnout rates for the individual-level data are the proportion of only registered voters who said they voted.

REVISED FINAL D R A F T
For review by the EAC's Advisory Boards

Race and ethnicity have generated particular interest in the debate over voter ID requirements.³¹ The analysis using the aggregate data shed no light on the association between voter ID requirements and turnout for African-American and Hispanic voters. But in the models using the individual data, some significant relationships emerged for African-American, Hispanic and Asian citizens. For the entire population, the signature, non-photo identification and photo identification requirements all were associated with lower turnout compared to the requirement that voters simply state their names. These correlations translated into reduced probabilities of voting of about 3 to 4 percent for the entire sample, with larger differences for specific subgroups. For example, the predicted probability that Hispanics would vote in states that required non-photo identification was about 10 percentage points lower than in states where Hispanic voters gave their names. The difference was about 6 percent for African-Americans and Asian-Americans, and about 2 percent for white voters.

The model also showed that Hispanic voters were less likely to vote in states that required non-photo identification as opposed to stating one's name. Hispanic voters were 10 percent less likely to vote in non-photo identification states compared to states where voters only had to give their name.

Varying voter identification requirements were associated with lower turnout rates for Asian-American voters as well. Asian-American voters were 8.5 percent less likely to vote in states that required non-photo identification compared to states that require voters to state their names under the maximum requirements, and they were 6.1 percent less likely to vote where non-photo identification was the minimum requirement.

Conclusions of the Statistical Analysis

The statistical analysis found that, as voter identification requirements vary, voter turnout varies as well. This finding emerged from both the aggregate data and the individual-level data, although not always for both the maximum and minimum sets of requirements. The overall relationship between ID requirements and turnout for all registered voters was fairly small, but still statistically significant.

³¹ Incorporating discrete variables for Hispanics, African-Americans, and Asian-Americans into one model carries the implicit assumption that the remaining variables, including education and income, will influence each of these groups in a similar manner in terms of deciding whether to vote. These assumptions are not always born out by the data (see Leighley and Vedlitz, 1999.) To isolate the effects of voter identification and other variables on voter turnout within specific racial and ethnic groups, the sample is divided into sub-samples and the model re-run to calculate the data discussed and shown in Tables 5, 6, and 7 in Appendix C.

REVISED FINAL D R A F T
For review by the EAC's Advisory Boards

In the aggregate data, the match signature requirement, the provide a non-photo ID requirement, and the photo ID requirement were all correlated with lower turnout compared to requiring that voters state their names.

The signature, non-photo ID, and photo ID requirements were all correlated with lower turnout compared to the requirement that voters simply state their names. That the non-photo identification requirement was the most consistent in terms of statistical significance across the groups is intriguing given the intense debates surrounding photo identification requirements.

Significant questions about the relationship between voter identification requirements and turnout remain unanswered. The data examined in the statistical analysis could not capture the dynamics of how identification requirements might lower turnout, nor could they rule out that other attributes of a state's electoral system might explain the statistically significant correlations that the study found. If ID requirements dampen turnout, is it because individuals are aware of the requirements and stay away from the polls because they cannot or do not want to meet the requirements? Or, do the requirements result in some voters being turned away when they cannot meet the requirements on Election Day, or forced to cast a provisional ballot that is not ultimately counted? The CPS data do not include measures that can answer this question. Knowing more about the "on the ground" experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements. Such knowledge also could help in designing training for election judges to handle questions about, and potential disputes over, voter identification requirements.

Litigation Over Voter ID Requirements

A handful of cases have challenged identification requirements in court in recent years. In general, requirements that voters provide some identifying documentation have been upheld, where photo ID is *not* the only acceptable form. Whether laws requiring photo ID will be upheld is more doubtful. To date, only two cases have considered laws requiring voters to show photo ID (*Common Cause v. Billups* and *Indiana Democratic Party v. Rokita*). Cases challenging the mandatory disclosure of voters' Social Security numbers on privacy grounds have yielded mixed results.

Non-photo identification. For the most part, courts have looked favorably on requirements that voters present some form of identifying documents if the photo identification is not the

028731

REVISED FINAL D R A F T
For review by the EAC's Advisory Boards

only form accepted. In *Colorado Common Cause v. Davidson*, No. 04CV7709, 2004 WL 2360485, at *1 (Colo. Dist. Ct. Oct. 18, 2004), plaintiffs challenged a law requiring all in-person voters to show identification (not just first-time registrants). The court upheld this requirement against a constitutional challenge. Similarly, in *League of Women Voters v. Blackwell*, 340 F. Supp. 2d 823 (N.D. Ohio 2004), the court rejected a challenge to an Ohio directive requiring first-time voters who registered by mail to provide one of the HAVA-permitted forms of identification, in order to have their provisional ballots counted. Specifically, the directive provided that their provisional ballots would be counted if the voter (a) orally recited his driver's license number or the last four digits of his social security number or (b) returned to the polling place before it closed with some acceptable identification (including reciting those identification numbers). *Id.* This was found to be consistent with HAVA.

Photo ID. Since the 2004 election, two states have adopted laws requiring photo identification at the polls in order to have one's vote counted, without an affidavit exception: Georgia and Indiana.³² Both these requirements were enacted in 2005 and both have been challenged in court. The Georgia law required voters attempting to cast a ballot in person present a valid form of photographic identification. O.C.G.A. § 21-2-417. On October 18, 2005, the District Court granted the plaintiffs' motion for a preliminary injunction, enjoining the application of the new identification requirements on constitutional grounds. In granting the injunction, the court held that plaintiffs' claims under both the Fourteenth Amendment (equal protection) and Twenty-Fourth Amendment (poll tax) had a substantial likelihood of succeeding on the merits at trial (*Common Cause v. Billups*, Prelim. Inj. 96, 104). In January 2006, Georgia enacted a modified version of its photo ID law, which the court has not yet ruled on. In the other state that has enacted a photo ID requirement (Indiana), legal challenges have also been filed. (*Indiana Democratic Party v. Rokita* and *Crawford v. Marion County Election Board*). On April 14, 2006, the district court granted defendants' motion for summary judgment, concluding that plaintiffs had failed to produce evidence showing that the state's ID law would have an adverse impact on voters. Another case of significance, for purposes of photo ID requirements, is *American Civil Liberties Union of Minnesota v. Kiffmeyer*, No. 04-CV-4653, 2004 WL

³² Indiana's law does allow voters without ID to cast provisional ballots, and then to appear before the county board of elections to execute an affidavit saying that they are indigent and unable to obtain the requisite ID without payment of a fee. But in contrast to other states, voters cannot cast a ballot that will be counted by submitting an affidavit at the polls, affirming that they are the registered voter and are otherwise eligible to vote.

REVISED FINAL D R A F T
For review by the EAC's Advisory Boards

2428690, at *1 (D. Minn. Oct. 28, 2004). In that case, the court enjoined a Minnesota law that allowed the use of tribal photo ID cards, only for an Indian who lived on the reservation. 2004 WL 2428690, at *1. The Court found no rational basis for distinguishing based on whether or not the cardholder lives on the reservation. *Id.* at *1, 3. These decisions indicate that courts are likely to carefully scrutinize the evidence regarding the impact of photo ID requirements.

Privacy. In *Greidinger v. Davis*, 988 F.2d 1344 (4th Cir. 1993), the court struck down on due process grounds a Virginia law requiring disclosure of voters' social security numbers for voter registration. The social security numbers recorded in voter registration lists had been disclosed to the public and political parties that had requested the lists. The court found that the requirement to give the social security number effectively conditioned rights on the consent to an invasion of privacy. It concluded that this public disclosure of the social security numbers was not necessary to achieve the government's interest in preventing fraud. On the other hand, in *McKay v. Thompson*, 226 F.3d 752 (6th Cir. 2000), the court rejected privacy challenges based on both the Constitution and federal statutes, to a Tennessee law requiring social security numbers for voter registration since 1972. 226 F.3d at 755. Second, the NVRA only permits requiring the minimum amount of information necessary to prevent duplicate voter registration and to determine eligibility. The distinction appears to be between the use of Social Security numbers for internal purposes only, which was deemed permissible, and the disclosure of those numbers to the public which was not.

These decisions suggest that the courts will carefully scrutinize the evidence, where states require that voters produce a photo ID in order to cast a regular ballot. The courts have used a balancing test to weigh the legitimate interest in preventing election fraud against the citizen's right to privacy (protecting social security numbers from public disclosure, for example) and the reasonableness of requirements for identity documents. To provide both the clarity and certainty in administration of elections needed to forestall destabilizing challenges to outcomes, these early decisions suggest that best practice may be to limit requirements for voter identification to the minimum needed to prevent duplicate registration and ensure eligibility.

Developments since 2004

REVISED FINAL D R A F T
For review by the EAC's Advisory Boards

Since the passage of HAVA, with its limited requirements for voter identification, and following the 2004 election, debate over voter ID has taken place in state legislatures across the country. That debate has not been characterized by solid information on the consequences of tightening requirements for voters to identify themselves before being permitted to cast a regular, rather than a provisional, ballot.

Better information might improve the quality of the debate. Answers to the following key questions are not available in a form that might satisfy those on both sides of the argument.

- What is the overall incidence of vote fraud?
- How does fraud take place in the various stage of the process: registration, voting at the polls, absentee voting, or ballot counting?
- What contribution can tighter requirements for voter ID make to reducing vote fraud?
- What would be the other consequences of increasingly demanding requirements for voters to identify themselves? This is the question addressed, within the limits of the available data, in the analysis in this report.

Answering these questions would provide the information needed for more informed judgment in the states as they consider the tradeoffs among the competing goals of ballot integrity, ballot access, and administrative efficiency. The Carter-Baker Commission recognized the tradeoffs when it tied recommendation for national ID to an affirmative effort by government to identify unregistered voters and make it easy for them to register.

State Voter Databases and Voter ID

With the implementation of the HAVA Computerized Statewide Voter Registration List, an application for voter registration for an election for Federal office may not be accepted or processed unless the application includes a driver's license number or last four digits of the Social Security number on the voter registration form. This information can be used to verify the identity of the registrant through interfacing with lists maintained by the Motor Vehicle office and Social Security office. If registrants do not have either a driver's license or Social Security number, the State will assign a unique identifier number to that person.

Some states are wrestling now with these unresolved issues. In New Jersey, for example, pending legislation would require that voters must be able to confirm their registration through a secure access to the Statewide Voter Registration List. It also requires voters to present ID at

028734

REVISED FINAL D R A F T
For review by the EAC's Advisory Boards

the polls in order to cast a regular ballot if the numbers recorded on the registration have not been verified (or if no verifiable number appears on the registration). It recognizes the HAVA requirement that if the number provided by the voter has not been verified and if the voter does not present ID at the polls, that voter may cast a provisional ballot. The bill does not specify they have to provide ID within 48 hours in order for their vote to count, as is the case with first-time mail-in registrants.

As some states gain experience in this area, the EAC would perform a useful service by making timely recommendations of best practices for all states to consider.

Conclusions

The analysis of voter ID requirements is complex. It takes into account important values associated with an electoral process, such as ballot access and integrity. The continuing effort to understand how voter ID requirements may affect turnout and the integrity of the ballot could benefit from additional factual information, including statistical analyses. Our research includes a statistical study of this kind. It indicated that the level of voter turnout in a state is correlated with the stringency of the voter ID requirement imposed by that state. Additional empirical research of this nature, with additional data collected by or for the EAC, would further illuminate the relationship between stricter voter ID rules and turnout, perhaps explaining if awareness of a strict ID requirement tends to discourage would-be voters from going to the polls. Or, additional research may shed light on whether, if voters did go to the polls, stricter Voter ID requirements will divert more voters into the line for provisional ballots. The consequence of increased reliance on provisional ballots can be longer lines at the polls and confusion, without necessarily a clear demonstration that the security of the ballot is correspondingly increased.³³

The debate over voter ID in the states would be improved by additional research sponsored by the EAC. That might include longitudinal studies of jurisdictions that have changed voter ID requirements, as well as precinct-level analyses that would allow more finely tuned assessment of the correlation between stricter identification requirements and turnouts. Further research could also identify methods to eliminate the need for voters to bring specific identity documents

³³ In this connection, the Brennan Center's response to the Carter-Baker Commission report observes that, "while it might be true that in a close election "a small amount of fraud could make the margin of difference," it is equally true that the rejection of a much larger number of eligible voters could make a much bigger difference in the outcome." *Response to the Report of the 2005 Commission on Federal Election Reform*, The Brennan Center for Justice at NYU School of Law and Spencer Overton, On Behalf Of The National Network on State Election Reform, September 19, 2005

REVISED FINAL D R A F T
For review by the EAC's Advisory Boards

with them to the polls, while assuring that each voter who casts a ballot is eligible and votes only once.

028736



"Tova Wang"
<wang@tcf.org>
06/12/2006 05:00 PM

To aambrogi@eac.gov
cc
bcc
Subject RE: FYI

Thanks Adam. I've been trying to get Tim Storey about this, but with no luck so far. Any news with you?
Tova

-----Original Message-----

From: aambrogi@eac.gov [mailto:aambrogi@eac.gov]
Sent: Monday, June 12, 2006 9:06 AM
To: wang@tcf.org
Subject: FYI

I don't know if you had heard about this but in NCSL's annual conference, they're having a piece on Voter ID and fraud issues. I don't know who's on that panel, but I thought I would let you know, since so much of that work is being done through the state legislatures. Hope all is well, and thanks for the updates....

<http://www.ncsl.org/annualmeeting/agenda/showmain3.cfm?requesttimeout=90>

Tuesday, August 15, 2006

10:15 am - 5:15 pm Redistricting & Elections Committee

Supremes Rule on Re-Redistricting of Texas

10:15 am - 11:30 am

Three years after the highly publicized redrawing of Texas congressional districts, the U.S. Supreme Court ruled in June on whether the Legislature acted unconstitutionally. How will the decision alter the redistricting process? What subtle, but critical, lines were buried in the text of the opinions?

Legislative Competition and the role of Gerrymandering?

11:30 am - 12:45 pm

Are legislative elections really less competitive today than in the past? Is gerrymandering the culprit or one of many reasons. New research helps put the redistricting factor in perspective.

Are Voters Who they Say they Are?

1:00 pm - 2:00 pm

Many states continue to look at the issue of voter ID and struggle with balancing the need for maximum access to the polls with trying to eliminate any possible fraud. How big is this problem and what are states doing about it?

Will Fall Elections Run like Clockwork?

2:00 pm - 3:00 pm

Since the controversial 2000 election debacle, most states have implemented key election

028737

reforms to shore up the system and respond to federal legislation. Will this fall's 2006 election go off without a hitch or will new problems emerge in the voting process?

What's Next in Redistricting Technology

3:15 pm - 4:15 pm

Redistricting software vendors will preview and demonstrate what they are planning for 2010. They will be discuss things like the next generation of redistricting technology with support for desktop, Web based and PDA/Cellular applications.

Countdown to Census 2010

4:15 pm - 5:15 pm

Speakers: Linda Franz, Geographer, U.S. Census Bureau, Washington, D.C.

Bob LaMacchia, Chief, Geography Division, U.S. Census Bureau, Washington, D.C.

Cathy McCully, Chief, Census Redistricting Data Office, U.S. Census Bureau, Washington, D.C.

Wednesday, August 16, 2006

10:15 am - 11:30 am Redistricting & Elections Committee

Are 527s Here to Stay?

In many states, the so-called 527 groups are likely to play a major part in this fall's campaigns. What are they? Should they be regulated? Can they be regulated? What are states doing in this area?

2:45 pm - 4:15 pm Money and Politics

As ethical scandals over campaign contributions and influence-buying swirl around Washington, D.C., states once again take the lead in finding new solutions to an old problem. This session will highlight states' innovative ideas for regulating money in politics and the role of lobbyists in fundraising and campaigns.

Friday, August 18, 2006

8:30 am - 10:00 am General Session and Breakfast

SPEAKERS :

Peter Hart has been one of the country's leading public opinion analysts for more than 27 years. He conducts all public opinion polling for NBC News and The Wall Street Journal. His focus is public policy, cultural and social issues, and strategic consulting for corporations, including Time Warner, Microsoft, Kodak to name a few.

Frank Luntz is one of the most honored communications professionals in America today. Named one of the four Top Research Minds by Business Week magazine, he pioneered the Instant Response focus group research technique, and won an Emmy Award in 2001 for his 100 Days, 1000 Voices segments on NBC's primary and election night coverage.

028735

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

028739



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov
>

06/20/2006 05:43 PM

To aambrogi@eac.gov

cc

bcc

Subject Re: State election fraud statute collection?

I am currently in Europe on official DOJ business. Please call Nancy Simmons, 202-514-1440. We have what you request -- I think, and if we do she can e-mail it to you.

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: aambrogi@eac.gov <aambrogi@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Tue Jun 20 15:01:40 2006
Subject: State election fraud statute collection?

Dear Craig:

Hope is well with you. Hoping that you can help us out with a quick request from a member of congressional committee. They would like to know if there exists a list (compendium or index) of state election laws on crime and fraud specifically. They are trying to get access to such a list as soon as possible, for a Congressional hearing on Thursday. If no list exists to your knowledge, that's great. If it does exist, and we can get access to it, please let me know.

Thanks so much, Craig. I hope all is well.
Best,
Adam

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

028740

Karen Lynn-Dyson/EAC/GOV
07/27/2006 09:11 AM

To "Thad Hall" <thadhall@gmail.com>@GSAEXTERNAL
cc Amie J. Sherrill/EAC/GOV@EAC, Adam
Ambrogi/EAC/GOV@EAC, Sheila A.
Banks/EAC/GOV@EAC, Eileen L. Collver/EAC/GOV@EAC
bcc

Subject Re: Election Fraud Conference

History

This message has been forwarded

Thad-

I've forwarded your message to each of the Commissioners' Special Assistants-
Amie Sherill (deGregorio),
Adam Ambrogi (Martinez)
Sheila Banks (Hillman)
Eileen Collver (Davidson).

They will be back in touch with you regarding the best address and method of contacting each of them.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Thad Hall" <thadhall@gmail.com>



"Thad Hall"
<thadhall@gmail.com>
07/26/2006 07:10 PM

To "klynndyson@eac.gov" <klynndyson@eac.gov>
cc

Subject Election Fraud Conference

Karen:

Mike Alvarez are going to be inviting you and the four EAC commissssioners to a conference we are hosting on election fraud. Can you provide me with the email addresses for the EAC commissioners so we can send them an email invitation?

Thank you very much.

Thad

--

028741

Thad Hall, Assistant Professor
Dept. of Political Science, University of Utah
801-585-7344
<http://www.poli-sci.utah.edu/HALL.htm>
contributor to <http://electionupdates.caltech.edu>

028742

Karen Lynn-Dyson/EAC/GOV

02/18/2005 03:53 PM

To Sheila A. Banks/EAC/GOV@EAC, Holland M.
Patterson/EAC/GOV@EAC, Adam
Ambrogi/EAC/GOV@EAC, Spring A.

cc

bcc

Subject Fw: Commissioner approval (by 2/25) of contracting process
for work on Provisional Voting and Voter ID projects

Hey-

Forgot to cc you all on this.

Thanks

K

Karen Lynn-Dyson
Director, Help America Vote College Program
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 02/18/2005 03:50 PM —

Karen Lynn-Dyson/EAC/GOV

02/17/2005 04:02 PM

To Gracia Hillman, Paul DeGregorio, DeForest Soaries, Ray
Martinez

cc Carol A. Paquette/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC

Subject Commissioner approval (by 2/25) of contracting process for
work on Provisional Voting and Voter ID projects

Commissioners-

As was discussed during our session on February 17, 2005, please *review and provide your approval ,
disapproval or amendments* to the following items by Friday, February, 25, 2005:

1. The attached Scope of Work which outlines the tasks related to contract work around projects relating to voluntary guidance on provisional voting and voter identification procedures.
2. The proposal will be advertised beginning **February 28, 2005.**
3. The deadline for submitting proposals will be **March 14, 2005.**
4. Proposal review will be completed by EAC staff by **March 17, 2005**
5. Staff will recommend a contractor to the Commissioners on **March 18, 2005.**
6. Commissioners will be asked for their decisions no later than **Tuesday, March 22, 2005**

028743



STatement of Work - Provisional Voting,Voter ID.doc

Thank you for your help and attention to this matter.

K
Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

028744

February 14, 2005

PROVIDING EAC ASSISTANCE IN DEVELOPING VOLUNTARY GUIDANCE ON
PROVISIONAL VOTING AND VOTER IDENTIFICATION PROCEDURES

0.0 Contract Title: Assistance to the U.S. Election Assistance Commission in the Development of Guidance on Provisional Voting and Voter Identification Procedures

1.0 Background: Sec. 302(a) of HAVA requires that all States allow the casting of provisional ballots in instances where a voter declares their eligibility to vote but their name does not appear on the official list of eligible voters, or an election official asserts that a voter is not eligible to vote. This section describes several requirements for implementation of provisional voting, but the States have considerable latitude in specifying how to carry out these requirements. The EAC seeks to examine how provisional voting was implemented in the 2004 general election and to prepare guidance for the States on this topic for the 2006 Federal elections.

HAVA Sec. 303(b) mandates that first time voters who register by mail are required to show proof of identity before being allowed to cast a ballot. The law prescribes certain requirements concerning this section, but also leaves considerable discretion to the States for its implementation. The EAC seeks to examine how these voter identification requirements were implemented in the 2004 general election and to prepare guidance for the States on this topic for the 2006 elections.

One of the remedies for a voter not having an acceptable proof of identity is to allow the voter to cast a provisional ballot, either at the polling place or by mail. This linkage between these two HAVA sections provides a rationale for conducting research on these topics in parallel. However, it is anticipated that two separate guidance documents will result.

2.0 Objective: The objective of this contract is for EAC to obtain assistance with the collection, analysis and interpretation of information regarding HAVA provisional voting and voter identification requirements for the purpose of drafting guidance on these topics for promulgation to the States in time for implementation for the 2006 Federal elections. The anticipated outcome of this activity is the generation of concrete policy recommendations to be issued as voluntary guidance for States.

3.0 Scope: In general the Contractor shall be responsible for all research and analysis activities, including the conduct of public hearings for fact finding and public comment purposes. However, in light of the urgent need to get this work underway, the EAC has scheduled a public hearing on February 23, 2005, on the topic of provisional voting.

028745

An initial framework for provisional voting policy has been set by the court decisions rendered on the election procedures utilized in the 2004 election. The 6th Circuit decision, in particular, has drawn some boundaries which must be given due regard in the course of considering future policy alternatives for provisional voting.

Notice of public meetings and hearings is required to be published in the Federal Register. The Contractor shall be responsible for preparing the notice documents, and the EAC will submit the notices and cover the cost of publication. In addition, draft guidance documents must be published in the Federal Register to obtain public comment prior to their adoption. Again, the Contractor will work with the EAC to prepare the draft documents for publication, which the EAC will submit and cover the cost of publication. Comments received will be provided to the Contractor for analysis and incorporation into the final guidance documents, as appropriate.

4.0 Specific Tasks

For ease of reference, following task 4.3 the remaining tasks are listed separately under the headings of Provisional Voting and Voter Identification Requirements. It is understood that the work on these two topics will be conducted essentially concurrently, with Voter Identification activities starting approximately one month after Provisional Voting.

- 4.1 Prepare a project work plan. The Contractor shall prepare and deliver a brief Project Plan not later than 10 days after contract award. This plan shall describe how the Contractor will accomplish each of the project tasks, including a timeline indicating major milestones. A single document will be prepared to include both provisional voting and voter identification tasks. The Plan shall be presented at a project kickoff meeting with the EAC Project Manager.
- 4.2 Submit monthly progress reports. The Contractor shall submit a monthly progress report within 2 weeks of the end of each month. This report shall provide a brief summary of activities performed and indicate progress against the timeline provided in the Project Plan. Any issues that could adversely affect schedule should be identified for resolution. Budget status should also be provided.
- 4.3 Conduct periodic briefings for the EAC. The Contractor shall periodically meet with the EAC Project Manager and the lead Commissioner for this work to discuss research findings and progress. The Project Plan should make allowance for this activity. The number and frequency of briefings will be determined by the Contractor Project Manager and the EAC Project Manager as the work progresses. The Contractor may also be required to periodically brief the full Commission on their work.

Provisional Voting

- 4.4 Collect and analyze State legislation, administrative procedures, and court cases. An understanding of the disparities and similarities of how provisional

voting was implemented around the country will provide a baseline for the consideration of future approaches. Seventeen States never had provisional voting before HAVA was enacted, while many other States did. A State-by-State compendium of the legislation, procedures, and litigation reviewed shall be delivered along with the analysis results.

- 4.5 Recommend alternative approaches for future implementation of provisional voting. The Contractor shall conduct a literature review to identify other research results and data available on this topic. The EAC Election Day Survey, for example, contained several questions on provisional voting. The EAC will make these survey data available to the Contractor. Based on their analysis of available research and the results of Task 4.5, the Contractor shall diagnose the problems and challenges of provisional voting implementation and hypothesize alternative approaches.

The Contractor shall assess the efficacy of these alternatives in relation to the following inter-related policy objectives: (1) enabling the maximum number of eligible voters to cast ballots that will be counted; (2) providing procedural simplicity for voters, poll workers, and election officials; (3) minimizing opportunity for voter fraud; and (4) maintaining a reasonable workload for election officials and poll workers. Additional policy considerations may be identified in the course of this research effort. The Contractor shall document and brief these alternatives to the Commission.

- 4.6 Prepare preliminary draft guidance document. Based on the feedback received from the Commission, the Contractor shall prepare a draft guidance document for review and comment by the EAC Board of Advisors. EAC will convene a Board of Advisors meeting or teleconference for the discussion of this document. The Contractor shall provide the document in advance and participate in the Board meeting to answer questions and record comments.
- 4.7 Revise draft guidance for publication in the Federal Register. The Contractor shall revise the guidance document as appropriate to reflect the comments of the EAC and the Board of Advisors and provide the draft guidance for publication in the Federal Register by the EAC.
- 4.8 Arrange one public hearing for receiving public comment on draft guidance. This hearing should be scheduled 30 days after the initial publication date. The Contractor shall select the location in consultation with the EAC. No speakers will be required. EAC will handle publicity for the meeting
- 4.9 Prepare final guidance document for EAC adoption. Review all comments received in response to Federal Register publication and at public hearing and revise guidance document as appropriate. Provide final version to EAC for adoption.

Voter Identification Requirements

- 4.10 Collect and analyze State legislation, administrative procedures, and court cases. It is assumed that the collection of information for analysis of voter identification requirements will be performed concurrently with the research for Task 4.5. An understanding of the disparities and similarities of how voter identification requirements were implemented around the country will provide a baseline for the consideration of future approaches. A State-by-State compendium of the legislation, procedures, and litigation reviewed shall be delivered along with the analysis results.
- 4.11 Convene a half day public hearing on the topic of voter identification requirements. The Contractor shall be responsible for all aspects of planning and conducting this hearing in consultation with the EAC. The Contractor shall identify three panels of three to four speakers each. The Contractor shall arrange for speaker attendance to include travel and per diem expenses. The EAC will provide publicity for the hearing. The Contractor shall prepare a document summarizing the proceedings and containing all testimony provided.
- 4.12 Recommend alternative approaches for future implementation of HAVA voter identification requirements. The Contractor shall conduct a literature review to identify other research results and data available on this topic. Based on their analysis of available research and the results of Task 5.11, the Contractor shall diagnose the problems and challenges of voter identification and hypothesize alternative approaches. The Contractor shall coordinate with the EAC to identify appropriate policy objectives by which to assess these alternatives. The Contractor shall document and brief these alternatives to the Commission.
- 4.13 Prepare preliminary draft guidance document. Based on the feedback received from the Commission, the Contractor shall prepare a draft guidance document for review and comment by the EAC Board of Advisors. EAC will convene a Board meeting or teleconference for the discussion of this document. The Contractor shall provide the document in advance and participate in the Board meeting to answer questions and record comments.
- 4.14 Revise draft guidance for publication in the Federal Register. The Contractor shall revise the guidance document as appropriate to reflect the comments of the EAC and the Board of Advisors and provide the draft guidance for publication in the Federal Register by the EAC.
- 4.15 Arrange one public hearing for receiving public comment on the draft guidance. This hearing should be scheduled 30 days after the initial publication date. The Contractor shall select the location in consultation with the EAC. No speakers will be required. EAC will handle publicity for the hearing.
- 4.16 Prepare final guidance document for EAC adoption. Review all comments received in response to Federal Register publication and at public hearing and revise guidance document as appropriate. Provide final version to EAC for adoption.

Contract Type. The contract type will be Time and Materials with a ceiling of

6.0 Place of performance. The principal place of performance will be the Contractor's place of business. Meetings and occasional work efforts may be performed at the EAC offices.

7.0 Period of Performance. The period of performance is from date of award until October 28, 2005.

8.0 Schedule of Deliverables:

- Project plan – 10 days after contract award
- Progress reports – monthly
- Briefings – as required
- Analysis report on provisional voting - TBD
- Alternatives report on provisional voting – TBD
- Preliminary draft guidance on provisional voting - TBD
- Draft guidance on provisional voting for publication – 8/2005
- Public hearing on draft guidance – 30 days after publication
- Final guidance on provisional voting for EAC adoption – 9/2005
- Analysis report on voter identification requirements – TBD
- Public hearing on voter identification requirements – TBD
- Summary of voter identification requirements hearing - TBD
- Alternatives report on voter identification requirements - TBD
- Preliminary draft guidance on voter identification requirements - TBD
- Draft guidance on voter identification requirements for publication – 9/2005
- Public hearing on draft guidance – 30 days after publication
- Final guidance on voter identification requirements to EAC for adoption – 10/2005

REMAINING STANDARD CONTRACT TERMS TO BE PROVIDED.

Karen Lynn-Dyson/EAC/GOV

06/09/2005 03:10 PM

To Gracia Hillman/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC
cc Juliet E. Thompson/EAC/GOV@EAC, Carol A.
Paquette/EAC/GOV@EAC, Sheila A.
Banks/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC,
bcc

Subject Revised Research update



Commissioners- Research plan June 9.doc

I understand that the Commissioners will consider this latest draft of the research plan at next Tuesday's meeting.

Enclosed please find the latest version in which approximately \$2.5 million in funds are appropriated. As always, this is a draft, working document from which to deliberate.

Regards-

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

028750

EAC Research Plan Update - June 9, 2005

Project	Possible Contractor	Product/Outcome	Anticipated Start Date	Anticipated End Date	Projected Cost
Election Day Survey	EDS/Communications Firm TBD	EAC survey report with national coverage/distribution	February	July	\$175,000
NVRA Survey	EDS/Communications Firm TBD	EAC survey report with national coverage/distribution	February	June	
UOCAVA Survey	EDS/Communications Firm TBD	EAC survey report with national coverage/distribution	February	July	
NVRA Registration Form	EAC/AIGA Consortium	Revised form and instructions	May	September	\$75,000
Absentee Ballot Postage	Competitive RFP	EAC survey and report to Congress	June	December	\$200,000
Statewide Voter Registration Technology Refresh	National Academy of Sciences	Information sharing/community of learning about VR databases	March	Through November 2006	\$50,000
Ballot Design	AIGA Consortium	Best practices on EAC website and presentations at national and regional meetings	July/August	January 1, 2006	\$200,000
Hispanic Working Group	EAC	EAC agenda for outreach to Hispanic voters	July	September	\$20,000
Provisional Voting / ID requirements	Eagleton Institute / Moritz College of Law	EAC voluntary guidance on provisional voting and voter ID	June	December	\$600,000
Improving Election Data	Social Science Research Council	Improved methods for collecting election data, common understanding of election terms and statistics	July/August	December	\$150,000
Voter Fraud and Intimidation	TBD (consultant)	EAC definitions for voter fraud and voter intimidation	June	November	\$40,000
Vote Count and Recount	Competitive RFP	Best Practices on vote counts and recounts	July	December	\$200,000
Poll Worker Training	The Poll Worker Institute	EAC poll worker training materials	July/August	Through November 2006	\$150,000
Voter Information and Education	American Political Science Assn/Council for Excellence in Government	Town hall mtgs/Improved systems for delivering information to voters	August	Through November 2006	\$250,000
Election Administration Law Website	Competitive RFP	Clearinghouse of election law info	August	Through November 2006	\$300,000
Electronic Voting	National Academy of Sciences	EAC survey and report to Congress	July	November	\$100,000
Total Projected Costs					\$2,510,000

Karen Lynn-Dyson/EAC/GOV
06/27/2005 05:45 PM

To "Tom O'Neill" [REDACTED]@GSAEXTERNAL
cc
bcc Adam Ambrogi/EAC/GOV
Subject RE: Peer Review Group [REDACTED]

Tom-

Had a very good review and discussion of the PRG at this morning's Commissioner meeting.

Also, the Commissioners have marked their calendars for a conference call with the Eagleton/Moritz team on July 12 at 9:30 AM.

Several concerns were raised about the composition of the PRG and, after some discussion, I indicated that Eagleton will provide the EAC with a revised participant list, and with a more detailed description of the PRG's mission, goals, objectives, workplan and timelines for accomplishing its work.

The Vice Chair is concerned that there is not sufficient conservative representation on the PRG. I would suggest the team do more research to identify well-recognized conservative academics to put on the Group.

Further, the Commissioners recommend a tiered process in which the PRG will prepare a "dispassionate" analysis of the issues and draw some tentative conclusions. This analysis and these conclusions will then be vetted with a defined/select group of local election officials, and then, with a defined/select group of advocacy organizations.

It was also suggested that a final round of focus group meetings be held with a cross-section of these election officials, advocates and academics for an overall interactive reaction to the analysis and recommendations.

Hope this helps clarify concerns; I look forward to sharing your revisions to the PRG with them.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]



"Tom O'Neill" [REDACTED]

06/23/2005 02:43 PM

To klynndyson@eac.gov
cc
Subject RE: Peer Review Group

028752

Thanks, Karen.

Tom

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Thursday, June 23, 2005 2:24 PM

To: tom [REDACTED]

Subject: Re: Peer Review Group

Tom-

I will be back to you early next week with EAC's feedback on this.

Our initial reaction is that the group needs to include some local and/or state-level election officials, who have first-hand experience with these issues.

We will get you additional names and reactions by mid-week next week.

Thanks

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Tom O'N [REDACTED]

06/22/2005 03:29 PM

To klynndyson@eac.gov

cc

Subject Peer Review Group

Karen,

As you probably recall, one of the features of our proposal was the creation of a Peer Review Group to look over our findings, conclusions and draft reports before we prepare final drafts for the EAC's review. The EAC asked that before recruiting members of the PRG we submit names for EAC's review. The aim, course, is to assemble a panel that is experienced, informed, and

028753

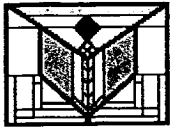
balanced.

Attached is a list of potential PRG members drawn from academia, the law, and non-profit organizations with interests in this area. Please look it over.

We may conclude that the PRG should also include two or three former government officials now in academia or related fields. We have a conference call with our partners at Moritz planned for tomorrow or Friday to decide a) if former officials should be included in the PRG and b) if so, who they should be. I'll keep you informed of our thinking as it develops.

Tom

028754



Adam Ambrogi/EAC/GOV

07/08/2005 12:09 PM

To Raymundo Martinez/EAC/GOV@EAC

cc

bcc

Subject Research Project ID

Tom mentioned you needed to provide him a potential name for the 'intimidation' side of the fraud/intimidation project. Do you have someone in mind, or do you want me to look into it on the 'net'?
Adam

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

028755

Karen Lynn-Dyson/EAC/GOV

07/15/2005 04:16 PM

To Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC
cc Sheila A. Banks/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC
bcc

Subject Fw: Eagleton Institute June 2005 Progress Report

Should any of you all need or want a sense of what Eagleton has done on provisional voting and voter identification in preparation for the Cal Tech meeting, attached is their June monthly report.

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 07/15/2005 03:57 PM —



"Lauren Vincelli "
<Vincelli@rutgers.edu>

07/14/2005 04:43 PM

Please respond to
Vincelli@rutgers.edu

To klynndyson@eac.gov

cc "Tom O'Neill
john.weingart@rutgers.edu

Subject Eagleton Institute June 2005 Progress Report

Ms. Dyson,

Attached please find the June 2005 Progress Report for the project entitled, "Contract to Provide Research Assistance to the EAC for the Development of Voluntary Guidance on Provisional Voting and Voter Identification Procedures." If you have any questions regarding any part of this document please direct them to Tom O'Neill at: [REDACTED] or (908)794-1030.

The financial reporting for this project is performed by the Division of Grant and Contract Accounting at Rutgers University. A copy of this report was not made available to us in an electronic format. Hard copies of the Progress Report and Financial Report have been Fedex'ed to you this afternoon and should arrive to your attention tomorrow morning. Please let me know if you do not receive this package by tomorrow afternoon.

Thank you for your time, have a great evening.

Best,
Lauren Vincelli

Lauren Vincelli
Business Assistant, Eagleton Center for Public Interest Polling
Eagleton Institute of Politics, Rutgers University
Carriage House, 185 Ryders Lane
New Brunswick, NJ 08901
Phone: (732) 932-9384, ext. 237

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Fax: (732) 932-1551



ProgressReport_JUNE2005_EagletonInst.doc

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EAGLETON INSTITUTE OF POLITICS

***Contract to Provide Research Assistance to The EAC
For the Development of Voluntary Guidance on
Provisional Voting and Voter Identification Procedures***

**MONTHLY PROGRESS REPORT
JUNE 2005**

For
UNITED STATES ELECTION ASSISTANCE COMMISSION
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

July 14, 2005

Prepared by:
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
191 Ryders Lane
New Brunswick, NJ 08901-8557

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OUTLINE

- Introduction
- Provisional Voting
 - Task 3.4
- Voter Identification Requirements
 - Task 3.10
 - Task 3.11
- Project Management
 - Task 3.1
- Financial Report

INTRODUCTION

This report describes our progress from the start of the project on May 26 through June 30, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

The objective of the contract is to assist the EAC in the collection, analysis and interpretation of information regarding HAVA provisional voting and voter identification requirements on which to base policy recommendations as guidance for the states in the conduct of the 2006 elections. The work has begun well, thanks to the clarity of the EAC's expectations and the strong collaboration by the scholars and staff at the Eagleton Institute of Politics at Rutgers, The State University of New Jersey, and the Moritz College of Law at the Ohio State University.

The document report is divided into 4 sections that cover: Provisional Voting, Voter Identification Requirements, Project Management, and the Financial Report. Each section references the specific tasks described in paragraph 3 of the contract.

Please direct any questions or comments about this report to Tom O'Neill at: tom_oneill@verizon.net or (908) 794-1030.

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PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to provisional voting. Work on the first of these must be complete before proceeding to later tasks. The work plan provides for two months to complete Task 3.4. Work on this task is on schedule.

Task 3.4: Collect and analyze state legislation, administrative procedures, and court cases. Understand the disparities and similarities of how provisional voting was implemented around the country.

LEGISLATION, REGULATIONS, AND LITIGATION

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. When complete, this information will constitute the compendium of legislation, administrative regulations, and case law called for under this task. It also will provide a base of understanding for the analysis of states' actual experience with provisional voting in 2004, for which the Eagleton team has lead responsibility.

Description: The Moritz team includes faculty, an executive administrator, a reference librarian, and several research assistants. It began immediately to compile statutes, case law and administrative procedures regarding Provisional Voting. The team has created a 50 state chart to summarize information on provisional voting. Categories for which state statutes and administrative procedures are being reviewed include:

- *When did the state create a system compliant with the HAVA provisional ballot requirements?*
- *Who may be eligible to cast a provisional ballot? and*
- *What is the process for discovering whether your provisional ballot was counted in the election?*

Progress: Initial research for 27 states, including the collection of provisional voting statutes is complete. This phase of the work is on schedule for completion by August 1. By the beginning of the week of July 11, Moritz's full time research assistant will move from voter identification research to gathering and organizing case law on provisional voting.

Challenges: Identifying the relevant statutes has been challenging; states use different terminology to codify provisional voting issues. Many states have scattered election law provisions throughout their codes. This variation from state to state makes creating a snapshot view across states a challenge. The team is meeting this challenge, and the work is on schedule.

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PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

The Eagleton team is constructing a narrative description for each state of the 50 states and the District of Columbia. It is also surveying a stratified random sample of county election officials to improve its understanding of actual practice in administering provisional voting.

Description: To construct the narratives, a researcher is examining newspaper accounts, state websites, and reports from third-party organizations to determine what information is publicly available about these issues during the 2004 election. To organize the information derived from this examination, we are creating an information system that will make it possible to catalog the basic information about the states (i.e. whether a state was new to provisional voting, the percentage of provisional votes counted, the method of notifying voters if their vote was counted, etc.) and combine it with Moritz's collection and analysis of statutes, regulations and litigation. The information system will make it possible to provide answers to such topics of particular interest listed in the contract as: How did preparation for provisional voting vary between states that had some form of provisional voting and those that did not?" and "How did litigation affect implementation?"

Progress: The researcher in this area has identified sources of information for every state and the collection process is well underway. Verified database entries for 24 states are complete, as are two state narrative summaries. This phase of the research is on schedule for completion by the end of July.

Challenges: A key challenge is determining just what states actually did in practice to verify and count provisional ballots. A second challenge has been determining the variations in policy within individual states. We are still wrestling with resolving this challenge, but the work is on schedule.

Work Plan: By the end of the July, the compilation of statutes, administrative regulations, and litigation will be complete and ready to be combined with the state-by-state narrative compiled by Eagleton. That will form the basis for the analysis and recommendation of alternative approaches for provisional voting required under Task 3.5.

SURVEY OF COUNTY ELECTION OFFICIALS

This survey will help the research team understand more about such key topics of interest as:

- "How did the experience of provisional voting vary between states that previously had some form of provisional voting and those where provisional voting was new in 2004?"
- "Did state and local processes provide for consistent counting of provisional ballots?"
- "Did local officials have a clear understanding of how to implement provisional voting?"

The survey results will supplement the information on these topics from the compilation of statutes, regulations and cases and from the narrative we are constructing for each state.

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Description: The Center for Public Interest Polling (CPIP) at Eagleton is conducting a national survey of county election officials to measure several aspects of provisional voting. The survey is designed to determine the following factors related to provisional voting at the county level:

- The content and quality of instructions provided to county officials by the states
- The steps taken by county officials to pass information on to poll workers;
- Differences in experience between states new to provisional voting and those that had some form of provisional ballot before HAVA; and
- Recommendations to improve and/or reduce the need for provisional voting

Progress: The survey instrument is complete. CPIP has compiled a list of election officials at the county level and at the municipal or regional level for states that do not assign the election responsibility to counties. It was forwarded to the call center, Schulman, Ronca & Bucuvalas Inc., (SRBI) the week of July 5, 2005. A sample will be drawn the week of July 12. Human Subjects Approval from Rutgers University was granted July 12. Pre-notification letters will be sent to election officials around July 12-13, 2005. The EAC has reviewed a draft of this letter, which we have now revised to make clear that the survey will increase our understanding of the provisional voting process, but is not being conducted on behalf of the EAC.

Challenges: We made special efforts to expedite Human Subject Approval to meet the schedule in the work plan. In the absence of an existing, reliable database of local election officials, we had to create one especially for this project. In order to provide a valid comparison between the states new to provisional voting with those that previously had some form of provisional ballot we doubled the sample size from 200 to 400. This increase will require an increase in the budget for the survey from \$15,000 to about \$24,000. We intend to reallocate costs within the existing budget to make this improvement possible, and will submit a letter describing the reallocation to the EAC in mid-July.

The sample has been, and will continue to represent the biggest challenge in this survey. Compiling the sample required substantial coordination and research to determine the accuracy of the identity and contact information for potential respondents. The difficulty in determining the appropriate contact is attributed to variation in county election officials' titles, jurisdiction types, and state and county election structures across the country. In addition to the potential pitfalls of reaching the appropriate county official, another factor in actually making contact with this special population will be dependent upon the hours that they keep, and may be hindered by the summer season.

Work Plan: This questionnaire will be pre-tested by July 15, and will field July 18 through August 5, 2005. This is somewhat later than projected in the revised work plan, but the information will arrive in time to be considered in drafting the analysis and alternatives document required under Task 3.5.

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VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. During the reporting period, we have made substantial progress in the first two tasks, which constitute the information-gathering phase of the work on Voter ID. The research of Voter ID requirements is proceeding concurrently with our work on the experience of provisional voting.

Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. When complete, this information will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

Description: A team of Election Law@Moritz faculty, executive administrator, a reference librarian, and several research assistants is compiling statutes on Voter Identification, and providing a summarized analysis of this research.

Progress: The Moritz team has created a 50-state chart to record data on voter identification. Categories for which state statutes and administrative regulations are being reviewed include: “*Who is required to present ID*”, “*Types of ID required*”, and “*Consequences of having no ID*”. We have completed the initial research for 45 states and have collected the voter identification statutes for those states. An *Election Law@Moritz* Fellow is conducting an academic literature review on voter identification. This literature review will help shape the analytical framework that will guide us when the compendium of statutes and administrative regulations is complete.

Challenges: Identifying the relevant statutes has been challenging because of the different terminology used from state to state to codify voter identification issues, and because many states have scattered election law provisions throughout their codes. This variety from state to state makes creating a snap-shot view across states a challenge.

Projections: At the current rate, a draft of the voter identification chart should be complete on schedule, by the end of July. Work on the literature review will continue into August, but will be available to inform the analysis of alternative approaches for voter identification called for by Task 3.12 of the contract.

SUPPLEMENTS TO LEGAL ANALYSIS

To supplement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter in the states; and second, estimating the effect on turnout of voter id requirements. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern with more rigorous identification requirements for all voters. We are following these developments both to

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monitor possible secondary effects of HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

Individual narratives for the states with significant activity in voter ID will provide a resource for understanding the wide range of experience in the 2004 election. The narratives will include an appraisal of the prevalence and nature of vote fraud, a focus of the concern with increasing the rigor of voter ID requirements. This work is on schedule to be completed by the end of July. The next key milestones will be the completion of the state database and drafting the first narratives.

VOTER ID AND TURNOUT ANALYSIS

The second supplemental analysis will provide objective information on a contentious feature of the debate over voter ID in the states: the effects of more rigorous voter ID regimes on voter turnout and the relationship between the voter ID regime and vote fraud. As part of this effort, Eagleton is undertaking a statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters.

Description: We are creating a database and gathering statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election. Analysis on the county-level will enable us to estimate the influence of ID requirements on various age groups, races, ethnicities and gender groups. We are compiling data from both the 2000 and 2004 Presidential elections to measure the effect that changes in ID requirements may have had on voter turnout through two national election cycles.

Progress: The structure of the database is complete. It contains demographic information from the Census, and turnout data from various sources. The researcher assigned to this task is devising the syntax that will be required to run the statistics when the dataset is complete. The methodology for this part of the study is complete, and the actual data collection will soon be finished.

Projection: We are waiting for the Census Bureau to release the 2004 County Demographic Estimates. We have ordered and await the arrival of 2 datasets that contain voter turnout and voter registration numbers on the county-level for both the 2000 and 2004 elections. Once these two sources of information are received, the researcher will insert this information into the existing database, clean up the dataset, and begin to run the statistics. By that point, the researcher will have separated the states into various ID-requirement groupings that have been determined by the team, which will require coordination with several other parts of the study. This work is on schedule. By the end of July, the researcher should have county-level and state-level statistics on the impact of each ID system upon turnout, analyzed through various demographic features on the county-level.

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Task 3.11 Public meeting on Voter Identification Requirements

Description: We are working closely with EAC staff, particularly the General Counsel, to plan a half day public meeting on Voter ID requirements. Presentations at the meeting will form an important part of the information we are compiling about Voter ID requirements and the strengths and shortcomings of a range of alternative approaches.

Progress: We have recommended a focus on the debate over Voter ID now underway in the states. To provide a vivid picture of the debate, we have recommended that one panel include legislators on opposite sides of the issue from two different states. Our research identified Mississippi and Wisconsin as two states to focus on, and we have recommended specific legislators from each. We have discussed with staff adding a researcher to the panel to put the debate in Wisconsin and Mississippi in either a national or historic context. We also recommended two researchers from contrasting points of view, to address the effects of Voter ID provisions under HAVA and broader provisions that are now the subject of national debate. EAC staff recommended a panel of two state election directors to address the interaction of Voter ID with HAVA. We are awaiting a decision on our recommendations from EAC staff. We have no reason not to believe that the work is on schedule to be completed in time to organize a productive meeting on July 28.

Challenges: The date and location of this hearing has been changed twice since the beginning of the project. It was originally scheduled to take place in late June, but was rescheduled for July to allow the June hearing to focus on voting machine technology. The regular meeting was rescheduled for July 26 in Minneapolis, and was recently changed to July 28 in Pasadena. The changes in the scheduling of the July meeting have complicated our choice of panelists. More seriously, the changes mean that information from the hearing will not be available as early in the research process as contemplated in the contract. This timeframe will now require the team to summarize the hearing events at the same time that we are drafting the analysis and alternatives paper in early August.

Additionally, while our contract states that the "Contractor shall be responsible for all aspects of planning and conducting this hearing in consultation with the EAC," we have been asked only to make recommendations of topics and panelists, and the arrangements for the organization of the hearing are in other hands. This lack of clarity has caused some confusion and has delayed invitations to panelists. Thanks to frequent communication with members of the EAC, the process now seems to be working smoothly.

Projection: We believe the work is on schedule for completion in time to recruit the panelists for the July 28 hearing. Preparation of the hearing summary will likely be delayed because of the need to complete the analysis and alternatives paper.

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PROJECT MANAGEMENT

Immediately after announcement of the award of the contract, Eagleton and Moritz began supplementing the core group that had prepared to proposal to building a highly qualified team to undertake the work. That team was in place by mid June, just a few weeks after the contract award.

As described in the proposal, the direction of the project is the responsibility of a five-person committee of faculty and staff from Eagleton and Moritz, chaired by Dr. Ruth Mandel, Director of the Eagleton Institute of Politics. Project Director Thomas O'Neill, a consultant to Eagleton, reports to this team and provides day-to-day guidance and coordination for the research. A weekly meeting of all the researchers engaged in the project is the primary means of coordinating the work. We have recently added an internal website to facilitate the review and revision of written materials.

Task 3.1 Update the Work Plan

The first task was completed on time with the submission of a detailed work plan and timeline. EAC staff requested that the work plan be supplemented with a Gantt chart created on MS Project, and we submitted that a few days later.

PEER REVIEW GROUP

Description: A feature of our proposal was the creation of a Peer Review Group (PRG). The EAC indicated at our first meeting in May that it would review our recommendations for members of the PRG. Our initial vision of the PRG was a small group of scholars and representatives of advocacy organizations that would comment on the research design, review drafts of our analyses and reports, and, in general, identify areas of the research that should be strengthened and help us improve the breadth, depth and clarity of reports based on that research.

Progress: Upon reflection, the project team agreed that the PRG should not include representatives of advocacy groups. We concluded, as representatives they would feel obligated to act as advocates for positions already taken by their groups. While advocacy organizations should be consulted as stakeholders during the course of our work, they were unlikely to achieve the goals we had in mind for the PRG as a source of advice on research design, methodology, and analysis. We submitted a revised list of potential members, substantially comprised of academics, to EAC for review.

The EAC responded with suggestions concerning both the balance of the PRG's membership and the creation of additional committees to review our work. We answered with an analysis of the cost and time involved adopting the EAC's suggestions as well as with suggestions for a balanced selection of academics for the Peer Review Group. We have not received response on this correspondence from the EAC, and the recruitment of the group is on hold.

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Challenges: Communications on this issue with the EAC have not been clear or timely. The PRG should be in place now to comment on our research design while there is still time to refine it. While we are confident in the quality of our work, the wisdom and perspective of the outstanding candidates we have proposed for membership would strengthen the analysis and reports of our work.

Projections: We have effectively brought these challenges to the attention of EAC staff and look forward to a resolution speedy enough to allow recruitment of the PRG's members before the end of the month. If we meet that goal, the work of the PRG will be about 2 weeks behind the milestones indicated in the work plan.

COORDINATION AND INFORMATION MANAGEMENT

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and a website for easy access to drafts and reports.

INFORMATION SYSTEM

Description: The statutory data and reports prepared by the Moritz College of Law will be merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding provisional voting and voter identification.

Progress: The Moritz team has provided Eagleton staff with samples of the work that they are performing. An Eagleton staff member will be reviewing the content and formats of data from all supporting research and (re-)formatting once the work has been completed. The researchers and staff at Eagleton have created a shared folder on the Institute's server for the safe storage of work and access for those staff members. All of this work is being reviewed by the project team to ensure that a broad survey is being performed.

Challenges: There are no evident challenges to this task at this time.

Projections: By the end of July 2005, much of the above referenced research will have been completed with respective materials and charts near completion. At that time, staff at Eagleton will review, combine and format all documents and materials in preparation for our final reporting to the EAC.

INTRANET

Description: A trial Intranet for the project became available during the week of June 26. The Intranet will facilitate the exchange of information and collaboration among project participants.

Progress: After meetings with staff members of Rutgers University Computer Services (RUCS) and subsequent submission of a proposal by RUCS for technical support and hosting of the Intranet and the evaluation of alternative commercial services, the project team decided at its June 28th meeting to publish the Intranet through www.intranets.com,

02876

one of the leading commercial services. This decision was based on lower costs and earlier publication schedules than offered under the RUCS proposal. The Intranet services were evaluated during a free trial period, which demonstrated the ease of design and navigation of the proposed service.

Challenges: There are no immediate challenges to completion of this task by the timeframe specified below.

Projections: Design, testing and publication of initial content of the Intranet service is continuing, with all participants expected to be provided access by July 8, 2005.

FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Given that the report reflects the first month of the project, several procedures for payment of subcontractors on the project were initiated. Expenses related to those members of the team are not reflected in this report because they have not yet been incurred.

Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

A detail of expenses incurred from project inception through June 30, 2005, is attached.

028768

Karen Lynn-Dyson/EAC/GOV
07/21/2005 01:35 PM

To "Job Serebrov"
cc Thomas R. Wilkey/EAC/GOV@EAC
bcc Adam Ambrogi/EAC/GOV
Subject Re: project

Job-

I write to see if you might be available to come to Washington on Monday, August 1 to meet with several EAC staff and Commissioners to discuss the voter fraud/voter intimidation project and your possible work as a consultant on the project.

I'd like to schedule this 1-2 hour meeting for sometime between 1 and 3 in the afternoon.

Might you be available to come to Washington for this ?

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

028769

Karen Lynn-Dyson/EAC/GOV

07/26/2005 01:30 PM

To Sheila A. Banks/EAC/GOV@EAC, Adam
Ambrogi/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Nicole
Mortellito/CONTRACTOR/EAC/GOV@EAC

bcc

Subject Conference call to "interview" potential voter
fraud/intimidation consultants

Hi All-

Well, I have the unhappy task of trying to identify a date and time when we might schedule a series of conference calls with the consultants we've identified as possible candidates to work on the voter fraud/intimidation project.

Since August is impossible and horrible in terms of everyone being in the same place, I thought it might be easier to try and schedule three calls--one hour each in duration-- in which the Commissioners could talk to these candidates.

I'd like to "start the bidding" for the week of August 15.

Actually, I happen to know that all of the candidates could be available August 22 or 23 at some point in the day.

Let me know if your folks could be available by phone at any of these days and times:


Thanks

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

028776

Karen Lynn-Dyson/EAC/GOV
07/26/2005 04:58 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc Adam Ambrogi/EAC/GOV@EAC, Amie J.
Sherrill/EAC/GOV@EAC, Nicole
Mortellito/CONTRACTOR/EAC/GOV@EAC, Sheila A.
bcc
Subject Re: Conference call to 'interview' potential voter
fraud/intimidation consultants 

Mea culpa-

Well, you can take this off of your to-do list.

Tom Wilkey and I will be meeting with the consultant and doing the interviewing. We will keep the Commissioners apprised of our progress on this project.

Thanks all-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

028771

Karen Lynn-Dyson/EAC/GOV

08/01/2005 06:12 PM

To "Tom O'Neill" [REDACTED]@GSAEXTERNAL

cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC, Adam
Ambrogi/EAC/GOV@EAC

bcc

Subject RE: Meeting with EAC [REDACTED]

Tom-

I will be in touch shortly with possible dates in very late August or early September, when EAC staff might be available to meet with Eagleton to discuss the project's research results and next steps.

In the meantime, I thought it was important to follow up on the issues Vice Chair DeGregorio raised while we were in Pasadena.

To be certain that I have the latest information, could you send to me the final list of the Eagleton/Moritz Peer Review Group and the list of organizations that Eagleton will be contacting for input?

Regards-

Karen

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

028772

Karen Lynn-Dyson/EAC/GOV

08/02/2005 05:00 PM

To "Tom O'Neill" [REDACTED]@GSAEXTERNAL

cc Juliet E. Thompson/EAC/GOV@EAC, Adam
Ambrogi/EAC/GOV@EAC, Gavin S.
Gilmour/EAC/GOV@EAC, Thomas R.

bcc

Subject RE: Meeting with EAC [REDACTED]

All-

Could you let me know your availability to meet on September 5, 6 or 7, say at 1:00 PM, with the Eagleton/Moritz team, to go over their research thus far, and next steps.

Thanks for your input.

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]



"Tom O'Neill"

07/29/2005 01:32 PM

To klynndyson@eac.gov

cc

Subject RE: Meeting with EAC

Karen,

Thanks for the email. No need to resend the original email from Washington. I received that shortly after you sent it. That email let us know that EAC would not need the research on ballot design that Tom Wilkey suggested we undertake and that you asked us to submit a proposal for. But the ballot-design issue was only one of the two topics raised by my email to you. The other question concerned a date to meet with EAC staff to discuss the forthcoming draft of our Analysis and Alternatives paper and an outline for the Preliminary Guidance Document. From our conversation yesterday, I understand that August 26, the date suggested, will not work because of the EAC's travel schedule. Please let me know if August 30, 31 or September 1 are possible for a meeting between the project team and EAC in Washington. The meeting would require perhaps 2 hours.

Tom O'Neill

-----Original Message-----

028776

Karen Lynn-Dyson/EAC/GOV
08/04/2005 05:26 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc Adam Ambrogi/EAC/GOV@EAC, Gavin S.
Gilmour/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC, Thomas R.
bcc
Subject RE: Meeting with EAC

Tom O'Neill-

I'd like to propose the Eagleton/Moritz meeting for September 6 at 1:00 PM at the EAC's offices.

If that date works, please be certain to reply to all on this e-mail, as I will be out of the office.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV
08/02/2005 05:00 PM

To "Tom O'Neill" [REDACTED]@GSAEXTERNAL
cc Juliet E. Thompson/EAC/GOV@EAC, Adam
Ambrogi/EAC/GOV@EAC, Gavin S.
Gilmour/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC
Subject RE: Meeting with EAC

All-

Could you let me know your availability to meet on September 5, 6 or 7, say at 1:00 PM, with the Eagleton/Moritz team, to go over their research thus far, and next steps.

Thanks for your input.

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" <tom_oneill@verizon.net>

028774

Karen Lynn-Dyson/EAC/GOV

08/15/2005 04:43 PM

To Thomas R. Wilkey/EAC/GOV@EAC, Adam
Ambrogi/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC
cc Raymundo Martinez/EAC/GOV@EAC

bcc

Subject Fw: Eagleton Institute of Politics - July 2005 - Monthly
Progress Report

FYI-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 08/14/2005 04:42 PM —



"Lauren Vincelli"
<Vincelli@rutgers.edu>

08/15/2005 03:01 PM

Please respond to
Vincelli@rutgers.edu

To klynndyson@eac.gov

cc "Tom O'Neill" [REDACTED],
rmandel@rci.rutgers.edu, john.weingart@rutgers.edu

Subject Eagleton Institute of Politics - July 2005 - Monthly Progress
Report

Ms. Dyson,

Attached please find the July 2005 Progress Report for the project entitled, "Contract to Provide Research Assistance to the EAC for the Development of Voluntary Guidance on Provisional Voting and Voter Identification Procedures." If you have any questions regarding any part of this document please contact Tom O'Neill at: [REDACTED] or (908)794-1030.

The financial reporting for this project is performed by the Division of Grant and Contract Accounting at Rutgers University. A copy of this report was not made available to us in an electronic format. Hard copies of the Progress Report and Financial Report have been Fedex'ed to you this afternoon and should arrive to your attention tomorrow morning. Please let me know if you do not receive this package by tomorrow afternoon.

Thank you for your time, have a great evening.

Best,
Lauren Vincelli

Lauren Vincelli
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EAGLETON INSTITUTE OF POLITICS

*Contract to Provide Research Assistance to The EAC
For the Development of Voluntary Guidance on
Provisional Voting and Voter Identification Procedures*

**MONTHLY PROGRESS REPORT
JULY 2005**

For
UNITED STATES ELECTION ASSISTANCE COMMISSION
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

August 15, 2005

Prepared by:
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
191 Ryders Lane
New Brunswick, NJ 08901-8557

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**Deliberative Process
Privilege**

OUTLINE

- Introduction
- Provisional Voting
 - Task 3.4
- Voter Identification Requirements
 - Task 3.10
 - Task 3.11
- Project Management
 - Task 3.1
- Financial Report

INTRODUCTION

This report describes our progress from July 1 through July 31, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

The effort this month continued to focus on research for the analysis and alternatives paper, including the compilation of Provisional Voting statutes, regulations, and litigation from the 50 states. We also prepared and delivered testimony at the EAC's regular monthly meeting in Pasadena on July 28.

The data collection, analysis, and compilation are all on schedule. Because of delays in agreeing on the composition of the Peer Review Group with EAC, however, the actual completion and submission of the analysis and alternatives paper to the EAC will most likely be delayed about a week beyond the target date in the work plan. We are scheduled to discuss the draft paper and guidance document prior to submission, with the EAC on September 6, and the final draft cannot be completed until several days after that date.

The document report is divided into 4 sections that cover: Provisional Voting, Voter Identification Requirements, Project Management, and the Financial Report. Each section references the specific tasks described in paragraph 3 of the contract.

Please direct any questions or comments about this report to Tom O'Neill at: tom_oneill@verizon.net or (908) 794-1030.

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PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to provisional voting. Work on the first of these must be complete before proceeding to later tasks. Task 3.4 was completed this month.

Task 3.4: Collect and analyze state legislation, administrative procedures, and court cases. Understand the disparities and similarities of how provisional voting was implemented around the country.

LEGISLATION, REGULATIONS, AND LITIGATION

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. This information constitutes the compendium of legislation, administrative regulations, and case law called for under this task. It also will provide a base of understanding for the analysis of states' actual experience with provisional voting in 2004, for which the Eagleton team has lead responsibility.

Description: The Moritz team has created a 50-state chart to summarize information on provisional voting, compiled statutes, case law and administrative procedures regarding Provisional Voting.

Progress: The 50-state (plus District of Columbia) chart created to collect data on provisional voting is complete. We have collected the statutes for all states. State by state summaries of provisional voting have been written for 47 states and D.C. A memorandum summarizing provisional voting litigation is complete. The collection of the documents associated with the litigation is nearing completion.

Challenges: The variety in the form of provisional voting legislation from state to state makes creating a snap-shot view across states a challenge.

Work Plan: The remaining 3 state summaries of provisional voting will be completed by August 8. Analysis of all the information, data, and survey results concerning provisional voting data will be performed in August.

PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

The Eagleton team has researched and compiled a narrative of each state's experience with provisional voting in 2004. At the end of July the survey of 400 local election officials was nearing its end, and – as of this writing – is now complete with an analysis and report in draft form. We will rely on the survey results to improve our understanding of actual practice in administering provisional voting, including the steps local officials took to prepare for the election.

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PROVISIONAL VOTING NARRATIVES

Description: To construct the narratives, a researcher examined newspaper accounts, state websites, and reports from third-party organizations to gather information on the experience with provisional voting in the 2004 election. To organize the information derived from this examination, we created an information system that catalogues information about the states (i.e. whether a state was new to provisional voting, the percentage of provisional votes counted, the method of notifying voters if their vote was counted, etc.) and combined it with Moritz's collection and analysis of statutes, regulations and litigation.

Progress: The state-by-state database is complete, as is a first draft of all state narratives. This work has been shared with the larger team and is being reviewed currently in preparation for constructing analysis and recommendation of alternative approaches for provisional voting required under Task 3.5.

Work Plan: In the next month, revisions of the narratives will be complete. In addition to this research, we will expand upon vote fraud research and examine further the relationship between instances of vote fraud and ensuing election reforms.

SURVEY OF COUNTY ELECTION OFFICIALS

Description: The Center for Public Interest Polling (CPIP) at Eagleton conducted a national survey of county election officials to measure several aspects of provisional voting. The survey was designed to determine the following factors related to provisional voting at the county (or equivalent election jurisdiction) level:

- The content and quality of instructions provided to county officials by the states;
- The steps taken by county officials to pass information on to poll workers;
- Differences in experience between states new to provisional voting and those that had some form of provisional ballot before HAVA; and
- Recommendations to improve and/or reduce the need for provisional voting.

Progress: The fielding and initial analysis of the survey results are complete.

Work Plan: The information derived from the survey will be considered in drafting the analysis and alternatives document required under Task 3.5.

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VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. During the reporting period, we have completed tasks 3.10 and 3.11. The research on Voter ID requirements is proceeding concurrently with our work on the experience of provisional voting.

Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation with regard to Voter Identification Requirements. When complete, this information will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

Description: The Moritz team has compiled statutes on Voter Identification, and will provide a summarized analysis of this research to the project team for review.

Progress: The chart created to collect data on voter identification is complete and is now being reviewed. Voter identification statutes are being collected.

Challenges: Identifying the relevant statutes has been challenging because of the different terminology used from state to state to codify voter identification issues, and because many states have scattered election law provisions throughout their codes. This variety from state to state makes creating a snap-shot view across states a challenge.

Work Plan: Review of the voter identification chart, the collection of the voter identification statutes, and the writing of the state by state summaries will be completed by the end of August.

SUPPLEMENTS TO LEGAL ANALYSIS

To supplement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter ID in the states; and second, estimating the effect on turnout of voter ID requirements. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern with more rigorous identification requirements for all voters. We are following these developments both to monitor possible secondary effects of HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

Individual narratives for the states with significant activity in voter ID will provide a resource for understanding the wide range of experience in the 2004 election. The narratives will include an appraisal of the prevalence and nature of vote fraud, a focus of the concern

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with increasing the rigor of voter ID requirements. The next key milestones will be the completion of the state database and drafting the first narratives.

VOTER ID AND TURNOUT ANALYSIS

The second supplemental analysis will provide objective information on a contentious feature of the debate over voter ID in the states: the effects of more rigorous voter ID regimes on voter turnout and the relationship between the voter ID regime and vote fraud. As part of this effort, Eagleton is undertaking a statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters.

Description: We are creating a database and gathering statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election.

Progress: The collection of data for the Voter ID-Turnout analysis is complete. The assembled database contains population demographic data, voter registration data and voter turnout data from all 50 states, 3113 Counties, and the District of Columbia. It also contains exit poll data from the 50 states, providing demographic data of voter turnout. The analysis of that data is well underway.

Challenges: The initial methodology that was devised to investigate the questions involved in this part of the study proved insufficient, as the necessary data was unobtainable (the Census Bureau has not yet released their 2004 data). After re-developing an appropriate methodology, the necessary data has been assembled, we have resumed the analysis of this data.

Projection: The analysis of the impact that voter identification requirements have upon voter turnout should be completed around mid-August.

Task 3.11 Public meeting on Voter Identification Requirements

Description: In early July, we continued our efforts to identify specific Voter ID topics or issues and panelists who could shed light on them. We recommended a focus on the debate over Voter ID now underway in the states. To provide a vivid picture of the debate, we recommended that one panel include specific legislators on opposite sides of the issue from two different states, Mississippi and Wisconsin. We also discussed adding a researcher to the panel in order to place the debate in a national or historical context. We also recommended a panel of two academic researchers with contrasting points of view, to address the effects of Voter ID provisions under HAVA. In response to our suggestions, EAC staff recommended a panel of two state election directors to address the interaction of Voter ID with HAVA.

By mid-July, the EAC had decided which topics and speakers should be invited, however most of those speakers proved unable to attend.

028782

Progress: Tom O'Neill and Dan Tokaji attended the EAC Public Meeting held in Pasadena on July 28. Their presentations at the meeting described the progress of the research and our developing perspective on how to assess the quality of the provisional voting process in the states and identify possible steps for improvement.

Challenges: The changes in the scheduling of the July meeting delayed and ultimately made it impossible to assemble a panel, from which we could derive substantive insight into voter identification issues as they are playing out in the states. Additionally, due to the date of the hearing, the information from the hearing was not available as early in the research process as contemplated in the contract.

Projection: Preparation of the hearing summary will likely be delayed, due to the team's focus on preparation of the analysis and alternatives paper.

PROJECT MANAGEMENT

PEER REVIEW GROUP

Description: A feature of our proposal was the creation of a Peer Review Group (PRG). The EAC indicated at our first meeting in May that it would review our recommendations for members of the PRG. Our initial vision of the PRG was a small group of scholars and representatives of advocacy organizations that would comment on the research design, review drafts of our analyses and reports, and, in general, identify areas of the research that should be strengthened and help us improve the breadth, depth and clarity of reports based on that research.

Progress: Upon reflection, the project team agreed that the PRG should not include representatives of advocacy groups. We concluded that as representatives they would feel obligated to act as advocates for positions already taken by their groups. While advocacy organizations might be consulted as stakeholders during the course of our work, they were unlikely to achieve the goals we had in mind for the PRG as a source of advice on research design, methodology, and analysis. We submitted a revised list of potential members, substantially comprised of academics, to the EAC for review.

The EAC responded with suggestions concerning both the balance of the PRG's membership and the creation of additional committees to review our work. We provided an analysis of the cost and time involved in adopting the EAC's suggestions as well as with suggestions for a balanced selection of academics for the Peer Review Group. In the end, the EAC determined that Eagleton should appoint a balanced Peer Review Group of its own choosing. Initial phone calls were made to all members of that group by the end of July, and written invitations and descriptions of the process have gone to all possible members who had indicated their interest in serving.

Challenges: Communications on this issue with the EAC were not clear or timely. The purpose of the PRG is to review our work, and to comment on our research design, which is well underway. We had planned to have the PRG in place early enough in the project to enable them to provide feedback, including the research design. While we are

028783

confident in the quality of our work, the experience and perspective of the Peer Review Group will strengthen our analysis and recommendations as we find a way to receive its critique in the more limited time now available. The delay in creating the Peer Review Group will result in a delay in the completion of the final draft of the analysis and alternatives paper and in the preliminary guidance document.

Projections: The work of the PRG will be about 2 weeks behind the milestones indicated in the work plan.

COORDINATION AND INFORMATION MANAGEMENT

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and an internal website for easy access to drafts and reports.

INFORMATION SYSTEM

Description: The statutory data and reports prepared by the Moritz College of Law will be merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding provisional voting and voter identification.

Progress: The Moritz team has provided Eagleton staff with all completed work. An Eagleton staff member reviews the content and formats of data from all supporting research and will (re-)format once the work has been completed for the compendium and reports submitted to the EAC. The researchers and staff at Eagleton have created a shared folder on the Institute's server for the safe storage of work and access for those staff members. All of this work is being reviewed by the project team to ensure that a broad survey is being performed.

Projections: By the end of July 2005, much of the above referenced research has been completed. The entire project team has begun the process of reviewing all work, and will combine and format all documents and materials in preparation for our final reporting to the EAC.

INTRANET

Description: All project team members have signed on to the Intranet site. The Intranet facilitates the exchange of information and collaboration among project participants.

Progress: Project team members regularly post drafts, completed materials and spreadsheets online for internal review. The intranet has been extremely helpful to team members and serves as an internal website with announcements and important documents readily available to all team members.

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FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

A detail of expenses incurred from project inception through June 30, 2005, is attached.

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Karen Lynn-Dyson/EAC/GOV

08/16/2005 01:39 PM

To Gracia Hillman/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC, Juliet E.
cc Sheila A. Banks/EAC/GOV@EAC, Amie J.
Sherrill/EAC/GOV@EAC, Adam Ambrogio/EAC/GOV@EAC,
Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC

bcc

Subject Fw: Sept 6th EAC meeting

Commissioners-

As mentioned in this morning's meeting, Eagleton/Moritz project staff are scheduled to come to Washington in early September to brief EAC staff on the project's progress to date.

Let me know if you would like to attend or if you will send someone in your place.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 08/15/2005 01:34 PM —



Nicole
Mortellito/CONTRACTOR/EA
C/GOV

08/16/2005 11:51 AM

To tom_oneill@verizon.net

cc Karen Lynn-Dyson/EAC/GOV@EAC

Subject Sept 6th EAC meeting

Mr. O'Neill,

Just a quick note to remind you that your meeting with EAC is confirmed for September 6 at 1 p.m. in Washington. The purpose of this meeting will be to review the draft of your analysis and alternatives paper with EAC and discuss the outline and direction of the Preliminary Guidance Document.

Regards,

Nicole K. Mortellito
Assistant to the Executive Director - Thomas R. Wilkey
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.3114 phone
202.566.3127 fax

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Karen Lynn-Dyson/EAC/GOV
08/19/2005 03:41 PM

To "Tom O'Neill" [REDACTED]@GSAEXTERNAL
cc
bcc Adam Ambrogi/EAC/GOV
Subject Re: Peer Review Group [REDACTED]

Tom-

Thank you for sharing this list of your Peer Review Group members, to-date. I will share this list with the Commissioners and will be certain to let your know of their feedback, if any.

I will also be back in touch regarding Eagleton's research around voter fraud and the research project EAC will be undertaking, this fall, around voting fraud and voter intimidation. The EAC is presently in the process of finalizing a work and staff plan for this project and once it is completed, I will be certain to brief you on it.

In the meantime, EAC staff and several of the Commissioners looks forward to meeting with the Eagleton/Moritz team on September 6 at 1:30 PM.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]



"Tom O'Neill"
[REDACTED]
08/19/2005 02:20 PM

To klynndyson@eac.gov
cc
Subject Peer Review Group

Karen,

Attached is a report on the status of recruitment of members of the Peer Review Group. We extended 9 invitations. We have four confirmed members, one reluctant turn-down, one who has yet to respond to an initial inquiry, and are awaiting confirmation from 3 others who initially agreed. Please let me know if you need additional information.

Tom O'Neill



RecruitmentStatus.doc

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STATUS OF PEER REVIEW GROUP RECRUITMENT

(As of August 17, 2005)

R. Michael Alvarez, Ph.D.

Professor of Political Science
California Institute of Technology

YES/CONFIRMED

Guy-Uriel Charles

Associate Professor, School of Law
University of Minnesota
612-626-9154

YES

Brad Clark

Professor of Law
George Washington University School of Law

NO

Pamela Susan Karlan

Montgomery Professor of Public Interest Law
Stanford Law School
650-725-4851

YES

Martha E. Kropf, Ph.D.

Assistant Professor of Political Science
University of Missouri-Kansas City
816-235-5948; KropfM@umkc.edu

YES/CONFIRMED

Daniel H. Lowenstein

Professor of Law
UCLA
310-825-4841

YES

John F. Manning

Professor
Harvard Law School

NO RESPONSE

Tim Storey

Program Principal
Legislative Management Program
National Conference of State Legislatures

YES/CONFIRMED

Peter G. Verniero, Esq.

Counsel
Sills, Cummis, Epstein and Gross, PC
(Former NJ Attorney General and Supreme Court Justice)

YES/CONFIRMED

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Karen Lynn-Dyson/EAC/GOV

09/19/2005 01:05 PM

To Gracia Hillman/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC, Donetta L.
cc Sheila A. Banks/EAC/GOV@EAC, Amie J.
Sherrill/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC
bcc

Subject Fw: August Progress Report - Eagleton Institute of Politics

Commissioners-

FYI-

Eagleton's August progress report.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 09/18/2005 01:02 PM —



"Lauren Vincelli "
<Vincelli@rutgers.edu>

09/15/2005 12:04 PM

Please respond to
Vincelli@rutgers.edu

To klynndyson@eac.gov

c [REDACTED] jdobrich@eden.rutgers.edu

Subject August Progress Report - Eagleton Institute of Politics

Hi Karen,

Attached is the August progress report in fulfillment of our Contract to Provide Research Assistance to the EAC for the Development of Voluntary Guidance on Provisional Voting and Voter Identification Procedures. Please note, as per your instructions earlier this month, that the financial report will be sent via Fedex under separate cover to: Ms. Dianna Scott, Administrative Officer, EAC. Also attached to the progress report is a finalized list of our Peer Review Group members. If you have any questions regarding this report, please contact Tom O'Neill at (908) 794-1030 [REDACTED]

Have a great day,
Lauren Vincelli

Lauren Vincelli
Business Assistant, Eagleton Center for Public Interest Polling
Eagleton Institute of Politics, Rutgers University
Carriage House, 185 Ryders Lane
New Brunswick, NJ 08901
Phone: (732) 932-9384, ext. 237
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EAGLETON INSTITUTE OF POLITICS

*Contract to Provide Research Assistance to The EAC
For the Development of Voluntary Guidance on
Provisional Voting and Voter Identification Procedures*

**MONTHLY PROGRESS REPORT
AUGUST 2005**

For
UNITED STATES ELECTION ASSISTANCE COMMISSION
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

September 15, 2005

Prepared by:
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
191 Ryders Lane
New Brunswick, NJ 08901-8557

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**Deliberative Process
Privilege**

OUTLINE

- Introduction
- Provisional Voting
 - Task 3.5
- Voter Identification Requirements
 - Task 3.10
 - Task 3.11
- Project Management
 - Task 3.1
- Financial Report

INTRODUCTION

This report describes our progress from August 1 through August 31, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

Research on Provisional Voting and a draft of reports on the analysis and alternatives were substantially completed in preparation for the September 6 briefing for the EAC. Important reports such as the National Survey of Local Election Officials' Experience with Provisional Voting; Statistical Review Provisional Voting in the 2004 Election; State-by-state Narrative of Developments in Provisional Voting; and the compilation of Provisional Voting statutes, regulations, and litigation from the 50 states, were all completed in August.

We made further progress on recruiting a balanced and authoritative Peer Review Group (which, as this report is written, is receiving all the documents listed above for review). Ingrid Reed of Eagleton will coordinate the work of the Peer Review Group. A list of the members of the Peer Review Group is attached.

This report is divided into 3 sections: Provisional Voting, Voter Identification Requirements, and Project Management. Each section references specific tasks described in paragraph 3 of the contract. The Financial Report will be sent separately by the Rutgers Division of Grant and Contract Accounting.

Please direct questions or comments about this report to Tom O'Neill at: tom_oneill@verizon.net or (908) 794-1030.

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PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to provisional voting. Work on the first of these must be complete before proceeding to later tasks. Task 3.4 was completed in August, and Task 3.5 is well underway.

Task 3.5: Analysis and Alternative Approaches. Assess the potential, problems, and challenges of provisional voting and develop alternative means to achieve the goals of provisional voting.

LEGISLATION, REGULATIONS, AND LITIGATION

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. This information constitutes the compendium of legislation, administrative regulations, and case law called for under this task. It has provided a base of understanding for the analysis of states' actual experience with provisional voting in 2004, for which the Eagleton team has lead responsibility.

Description: The Moritz team has created a 50-state chart to summarize information on provisional voting, compiled statutes, case law and administrative procedures regarding Provisional Voting and is near completion with this research.

Progress: We completed the state by state summaries of provisional voting in August. Also complete is a memorandum outlining provisional voting legislative changes since the 2004 election. This material was sent to the EAC as part of the package for briefing on September 6.

Challenges: The variety in the form and frequency of provisional voting legislation from state to state makes creating a snap-shot view across states a challenge.

Work Plan: The analysis of all the information, data, and survey results concerning provisional voting data will be completed in September, on schedule. The alternatives document should also be complete in September, pending response from the EAC on which direction those alternatives should follow.

PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

The Eagleton team has researched and compiled a narrative of each state's experience with provisional voting in 2004. The report findings from the survey of 400 local election officials is now complete. The survey results improve our understanding of actual practice in administering provisional voting, including the steps local officials took to prepare for the election.

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PROVISIONAL VOTING NARRATIVES

Description: To construct the narratives, a researcher examined newspaper accounts, state websites, and reports from third-party organizations to gather information on the experience with provisional voting in the 2004 election. To organize the information derived from this examination, we created an information system that catalogues information about the states (i.e. whether a state was new to provisional voting, the percentage of provisional votes counted, the method of notifying voters if their vote was counted, etc.) and combined it with Moritz's collection and analysis of statutes, regulations and litigation.

Progress: A state-by-state narrative of developments in Provisional Voting is complete and has been distributed to the EAC and the Peer Review Group. This work has been crucial to the process of constructing our draft analysis and recommendation of alternative approaches for provisional voting required under Task 3.5.

Challenges: The primary obstacle to constructing the narratives was difficulty in communicating and obtaining necessary information from various state officials. As a result, the narratives underwent multiple revisions in order to incorporate the most up-to-date material available. Had the Election Day Study been available, this task would probably have been simplified considerably.

Work Plan: We completed revisions of the narratives.

SURVEY OF COUNTY ELECTION OFFICIALS

Description: The Center for Public Interest Polling (CPIP) at Eagleton conducted a national survey of county election officials to measure several aspects of provisional voting.

Progress: The analysis of the survey results and findings report are complete.

Work Plan: We used the information from the survey in drafting the analysis and alternatives document required under Task 3.5.

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VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. The research on Voter ID requirements is proceeding concurrently with our work on the experience of provisional voting, and is becoming the principal focus of our research.

Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation with regard to Voter Identification Requirements. This collection of material is nearing completion. It will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

Description: The Moritz team has compiled statutes on Voter Identification, and will provide a summarized analysis of this research to the project team for review.

Progress: We are refining the 50 state (plus District of Columbia) chart of data on voter identification. So far collected are voter identification statutes for 35 states. Summaries of the existing voter identification statutes have been written for forty states.

Challenges: Identifying the relevant statutes has been challenging because of the different terminology used from state to state to codify voter identification issues, and because many states have scattered election law provisions throughout their codes. This variety from state to state makes creating a snap-shot view across states a challenge.

Work Plan: The state by state voter identification statute summaries will be completed for the remaining ten states and D.C. and the review of the chart will be completed. Analysis of voter identification data will begin.

SUPPLEMENTS TO LEGAL ANALYSIS

To supplement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter ID in the states; and second, estimating the effect on turnout of different voter ID regimes. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern, and a sharp political debate over rigorous identification requirements for all voters. The research follows these developments both to monitor possible secondary effects of HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

Individual narratives for the states with significant activity in voter ID will provide a resource for understanding the wide range of experience in the 2004 election. The narratives will include an appraisal of the prevalence and nature of vote fraud, a focus of the concern with

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increasing the rigor of voter ID requirements. The next key milestones will be the completion of the state database and drafting the first narratives.

VOTER ID AND TURNOUT ANALYSIS

The second supplemental analysis will provide objective information on a contentious feature of the debate over voter ID in the states: the effects of more rigorous voter ID regimes on voter turnout and the relationship between the voter ID regime and vote fraud. As part of this effort, Eagleton is undertaking a statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters.

Description: We are creating a database and gathering statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election.

Progress: The collection of data for the Voter ID-Turnout analysis is complete. The assembled database contains population demographic data, voter registration data and voter turnout data from all 50 states, 3113 Counties, and the District of Columbia. We have also utilized exit poll data collected on Election Day 2004 as a resource for understanding the demographics of voter turnout. The analysis of that data is underway.

Challenges: The main challenges to this task include gathering the complete set of changes to Voter ID laws over the past 5 years, and then incorporating those changes into a sound statistical methodology.

Projection: We will continue to work towards resolving the methodology issue, and ultimately produce a final report on this subject. The analysis of the impact that voter identification requirements have upon voter turnout should be completed around mid-September.

028796

PROJECT MANAGEMENT

PEER REVIEW GROUP

Description: A feature of our proposal was the creation of a Peer Review Group (PRG). The Peer Review Group will review our research and methodology and provide valuable feedback and suggestions for the direction of our work.

Progress: The composition of the Peer Review Group has been determined and the membership has been submitted to the EAC. Additionally, as of the date of this report all PRG members have received their first mailing, which included several reports from our research, and a draft of our analysis and alternatives outline for their review.

Challenges: Our timeline for circulating and discussing our research with the PRG has been compromised due to delays in completing the recruitment of members of the group.

Projections: We are in the process of scheduling our first conference call with PRG members for the week of Sept. 19, 2005.

COORDINATION AND INFORMATION MANAGEMENT

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and an internal website for easy access to drafts and reports.

INFORMATION SYSTEM

Description: The statutory data and reports prepared by the Moritz College of Law is being merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding provisional voting and voter identification.

Progress: At this point in the research process, many documents are complete after a lengthy process of circulating drafts among team members. As we near the end of the Provisional Voting research and move into the Voter Identification research, we will re-evaluate the volume of files contained in the Information System and update the system.

Projections: The entire project team continues to review all project drafts, and will staff members combine and format all documents and materials in preparation for our final reporting to the EAC.

INTRANET

Description: All project team members have signed on to the Intranet site. The Intranet facilitates the exchange of information and collaboration among project participants.

028797

Progress: Project team members regularly post drafts, completed materials and spreadsheets online for internal review. The intranet has been extremely helpful to team members and serves as an internal website with announcements and important documents readily available to all team members.

FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

A detail of expenses incurred from project August 1 - August 31, 2005, will be sent under separate cover to: Ms. Dianna Scott, Administrative Officer, EAC .

028793

**ATTACHMENT:
PEER REVIEW GROUP
FINAL LIST (09/13/05)**

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tgorourke@salisbury.edu
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Columbus, OH 43215
bsmith@law.capital.edu
Tel: (614) 236-6500

Tim Storey

Program Principal
National Conference on State Legislatures
7700 East 1st Place
Denver, CO 80230
Tel: (303) 364-7700 or
Tel: (202) 624-5400

Peter G. Verniero

Counsel
Sills, Cummins, Epstein and Gross, PC
One Riverfront Plaza
Newark, NJ 07102
pverniero@sillscummins.com
Tel: (973) 643-7000

028799

Karen Lynn-Dyson/EAC/GOV
09/27/2005 03:40 PM

To Vincelli@rutgers.edu, Juliet E. Thompson/EAC/GOV@EAC,
Adam Ambrogi/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC, Thomas R.
cc arapp@rutgers.edu, davander@eden.rutgers.edu,
dlinky@rci.rutgers.edu, foley.33@osu.edu,
ireed@rutgers.edu, [REDACTED]
bcc

Subject Re: EAC Conference Call - Friday 9/30

Eagleton/Moritz team-

I'd like to propose a conference call with EAC Commissioner Martinez, General Counsel, Julie Thompson, Research Manager Karen Lynn-Dyson and your team for either **10:30 or 1:30 on Friday, September 30.**

This will be to discuss the draft guidance and final report you will be producing for the EAC.

Please let me know which time works for you

Regards
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

028800



"John Weingart"
<john.weingart@rutgers.edu>

09/27/2005 03:56 PM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc Vincelli@rutgers.edu, jthompson@eac.gov,
aambrogi@eac.gov, rmartinez@eac.gov, twilkey@eac.gov,
arapp@rutgers.edu, davander@eden.rutgers.edu,

bcc

Subject Re: EAC Conference Call - Friday 9/30

Karen - Let's do it on Friday at 1:30. From my initial polling, at least Tom O'Neill, Ingrid Reed and I will be available. Since we will not all be at the same location, would you like us to initiate a conference call from here and give you a number to call in to?

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

klynndyson@eac.gov wrote:

>
> Eagleton/Moritz team-
>
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> General Counsel ,Julie Thompson, Research Manager Karen Lynn-Dyson and
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> Regards
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

028801

Karen Lynn-Dyson/EAC/GOV
09/27/2005 04:49 PM

To john.weingart@rutgers.edu
cc aambrogi@eac.gov, arapp@rutgers.edu,
davander@eden.rutgers.edu, dlinky@rci.rutgers.edu,
foley.33@osu.edu, ireed@rutgers.edu, iwreed@aol.com,
bcc
Subject Re: EAC Conference Call - Friday 9/30

Excellent-

Friday at 1:30 it is.

Please do let the EAC staff know what number to call. Ray Martinez and Tom Wilkey may be calling from the road. Julie Thompson and I will be here.

Thanks, again

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"John Weingart"
<john.weingart@rutgers.edu
>

09/27/2005 03:56 PM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov
cc Vincelli@rutgers.edu, jthompson@eac.gov, aambrogi@eac.gov, rmartinez@eac.gov,
twilkey@eac.gov, arapp@rutgers.edu, davander@eden.rutgers.edu, dlinky@rci.rutgers.edu,
foley.33@osu.edu, ireed@rutgers.edu, [REDACTED] joharris@eden.rutgers.edu,
lauracw@columbus.rr.com, rmandel@rci.rutgers.edu, sampson.8@osu.edu, tokaji.1@osu.edu,
""Tom O'Neill"" <[REDACTED]> vincelli@rci.rutgers.edu, williams.285@osu.edu
Subje Re: EAC Conference Call - Friday 9/30
ct

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-- John Weingart, Associate Director
Eagleton Institute of Politics
(732)932-9384, x.290

028802

klynndyson@eac.gov wrote:

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>
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> General Counsel ,Julie Thompson, Research Manager Karen Lynn-Dyson and
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> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

028803

Karen Lynn-Dyson/EAC/GOV
09/28/2005 04:11 PM

To john.weingart@rutgers.edu, Raymundo
Martinez/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC, Adam
cc

bcc

Subject Re: EAC Conference Call - Friday 9/30

Thanks for passing on the call-in information. We look forward to speaking with the team then.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"John Weingart" <john.weingart@rutgers.edu>



"John Weingart"
<john.weingart@rutgers.edu>

09/28/2005 04:01 PM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc

Subject Re: EAC Conference Call - Friday 9/30

Karen - For our conference call this Friday at 1:30, participants should dial (877) 805-0964 and then when prompted enter: 869580#. Could you relay this information to Commissioner Martinez and the others from the EAC who will be on the call. At our end will be Tom O'Neill, Ingrid Reed and me.

Thanks, John

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732)932-9384, x.290

klynndyson@eac.gov wrote:

>
> Excellent-
>
> Friday at 1:30 it is.
>
> Please do let the EAC staff know what number to call. Ray Martinez
> and Tom Wilkey may be calling from the road. Julie Thompson and I
> will be here.
>
> Thanks, again

028804

>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123
>
>
>
> *"John Weingart" <john.weingart@rutgers.edu>*
>
> 09/27/2005 03:56 PM
> Please respond to
> john.weingart@rutgers.edu
>
>
>
> To
> klynndyson@eac.gov
> cc
> Vincelli@rutgers.edu, jthompson@eac.gov, aambrogi@eac.gov,
> rmartinez@eac.gov, twilkey@eac.gov, arapp@rutgers.edu,
> davander@eden.rutgers.edu, dlinky@rci.rutgers.edu, foley.33@osu.edu,
> ireed@rutgers.edu, [REDACTED], joharris@eden.rutgers.edu,
> lauracw@columbus.rr.com, rmandel@rci.rutgers.edu, sampson.8@osu.edu,
> tokaji.1@osu.edu, "'Tom O'Neill'" <[REDACTED]>,
> vincelli@rci.rutgers.edu, williams.285@osu.edu
> Subject
> Re: EAC Conference Call - Friday 9/30
>
>
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> Eagleton Institute of Politics
> (732)932-9384, x.290
>
>
>
> klynndyson@eac.gov wrote:
>
>
> > Eagleton/Moritz team-
> >
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> > This will be to discuss the draft guidance and final report you will

028805

> > be producing for the EAC.
> >
> > Please let me know which time works for you
> >
> > Regards
> > Karen Lynn-Dyson
> > Research Manager
> > U.S. Election Assistance Commission
> > 1225 New York Avenue , NW Suite 1100
> > Washington, DC 20005
> > tel:202-566-3123
>
>
>

028806

Karen Lynn-Dyson/EAC/GOV

09/29/2005 02:42 PM

To Raymundo Martinez/EAC/GOV@EAC, Adam
Ambrogi/EAC/GOV@EAC

cc

bcc

Subject Fw: EAC Conference Call - Friday 9/30

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 09/28/2005 02:41 PM -----



"John Weingart"
<john.weingart@rutgers.edu>

09/28/2005 04:01 PM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc

Subject Re: EAC Conference Call - Friday 9/30

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Thanks, John

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Eagleton Institute of Politics
(732)932-9384, x.290

klynndyson@eac.gov wrote:

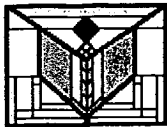
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> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

028807

>
>
> *John Weingart" <john.weingart@rutgers.edu>*
>
> 09/27/2005 03:56 PM
> Please respond to
> john.weingart@rutgers.edu
>
>
>
> To
> klynndyson@eac.gov
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> cc
> Vincelli@rutgers.edu, jthompson@eac.gov, aambrogi@eac.gov,
> rmartinez@eac.gov, twilkey@eac.gov, arapp@rutgers.edu,
> davander@eden.rutgers.edu, dlinky@rci.rutgers.edu, foley.33@osu.edu,
> ireed@rutgers.edu, [REDACTED], joharris@eden.rutgers.edu,
> lauracw@columbus.rr.com, rmandel@rci.rutgers.edu, sampson.8@osu.edu,
> tokaji.1@osu.edu, "'Tom O'Neill'" [REDACTED]
> vincelli@rci.rutgers.edu; williams.285@osu.edu
> Subject
> Re: EAC Conference Call - Friday 9/30
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>
> -- John Weingart, Associate Director
> Eagleton Institute of Politics
> (732)932-9384, x.290
>
>
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>
>
> klynndyson@eac.gov wrote:
>
>
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>> Regards
>> Karen Lynn-Dyson
>> Research Manager

> > U.S. Election Assistance Commission
> > 1225 New York Avenue , NW Suite 1100
> > Washington, DC 20005
> > tel:202-566-3123
>
>
>

028809



Adam Ambrogi /EAC/GOV

09/29/2005 05:23 PM

To Keith.Abouchar@mail.house.gov

cc

bcc

Subject EAC Contracts

Keith,

Hope you're well. Ray told me you were able to catch up on the array of exciting events here at the EAC. I wanted to pass along a 'marked up' copy of the contracts we approved for the end of the Fiscal Year. If you have any questions about the substance of the contracts, pls let me know. Take care.

Adam



EAC Contract FY2005.pdf

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

028810

EAC CONTRACT SUMMARY

Subject	Vendor	Cost	End Date
✓ Indirect rate negotiation assistance	KPMG, LLP	\$276,960.	September 2006
✓ Website maintenance	Humanitas	\$120,000.	September 2006
✓ Vote count, recount	University of Utah	\$257,350.	September 2006
✓ Voter registration database technology assistance	National Academy of Sciences	\$650,000.	September 2007
✓ Polling place signage, ballot design, revised NVRA form	AIGA Design for Democracy	\$681,400.	September 2006
✓ Legal clearinghouse	Center for Governmental Responsibility, U. of Florida Levin College of Law	\$224,737.	February 2007
✓ Election management guidelines	National Association of State Election Directors, Connie Schmidt & Associates, Dr. Britain J. Williams, III	\$352,000.	December 2006
✓ Voter roundtables	Council for Excellence in Government	\$300,212.	September 2006
✓ Poll worker (non-college) recruitment	International Foundation for Election Systems	\$378,310.	December 2006
✓ College poll worker recruitment	Center for Election Integrity, Cleveland State University	\$346,615.	December 2006
✓ Public access portal research	Publius.org	\$285,226.	September 2006
✓ Voter hotline research	InfoVoter Technologies	\$217,105.	June 2006
✓ EAC records management procedures	Zimmerman Associates	\$ 80,381.	June 2006
✓ Voter fraud, voter intimidation	Tova Wang, Job Serebrov	\$ 110,000.	March 2006

028811




"Tova Wang"
<wang@tcf.org>
10/06/2005 11:39 AM

To aambrogi@eac.gov
cc
bcc

Subject October 28 meeting

History:

 This message has been replied to.

Hi Adam,

It was great meeting you at the UDC Law Symposium last week. I wanted to let you know that we are having a meeting about the voter fraud and intimidation meeting at 10 AM on October 28 at the EAC, and it would be great if you and Commissioner Martinez could be there. Let me know, and let's stay in touch. Thanks so much.

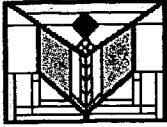
Tova

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

028812



Adam Ambrogi/EAC/GOV

10/06/2005 12:00 PM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL

cc

bcc

Subject Re: October 28 meeting

Tova:

I was about to email you as well. It was certainly good to meet you last week, as I've heard about your work through numerous sources, and am glad we have finally been able to chat. As with many things (we started to discuss), the EAC is doing a lot of these projects for the first time. And unlike a thinktank, or nonprofit, we are constrained in a number of ways, and there are "sensitivities" that exist. Of course, there are benefits to not being a nonprofit, as well.

I'll state that at least myself, but hopefully Cmsr. Martinez will be at the kickoff meeting. You may do this already, but I would attempt to lay out the ideal structure for your involvement in the contract, and perhaps communicate this to Karen and the other contractor immediately before the meeting. That will frame this contract structure (beyond the terms of the agreement) to your liking.

Obviously a suggestion. However, I think that the goal is good, efficient research that is unimpeachable in partisan or methodological grounds--that will then be submitted to the Commission for its approval (and actually getting its approval).

Feel free to call me anytime. If you're in DC before then, and have some time, let's get Cmsr Martinez, you and I together for lunch or coffee.

Best,
Adam

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

"Tova Wang" <wang@tcf.org>



"Tova Wang"
<wang@tcf.org>

10/06/2005 11:39 AM

To aambrogi@eac.gov

cc

Subject October 28 meeting

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028813

Tova

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

028814



"Tova Wang"
<wang@tcf.org>
10/06/2005 12:04 PM

To aambrogi@eac.gov
cc
bcc
Subject RE: October 28 meeting

History:

✉ This message has been replied to.

Adam,

Just to make sure we're talking about the same thing, I'm actually not going to be at the "kick-off" on the 14th. This is a meeting just about our project on the 28th. The project is already underway and the contracts finalized.

Since the meeting I refer to on the 28th is from 10-12, is there any possibility of the three of us having lunch after that?

Tova

-----Original Message-----

From: aambrogi@eac.gov [mailto:aambrogi@eac.gov]

Sent: Thursday, October 06, 2005 11:01 AM

To: wang@tcf.org

Subject: Re: October 28 meeting

Tova:

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Best,
Adam

Adam D. Ambrogi

028815

Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

"Tova Wang" <wang@tcf.org>

10/06/2005 11:39 AM

To aambrogi@eac.gov
cc
Subject October 28 meeting

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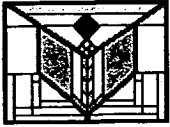
Tova

Tova Andrea Wang
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Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

028816



Adam Ambrogi/EAC/GOV

10/06/2005 12:51 PM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL

cc

bcc

Subject RE: October 28 meeting

Let's put it down as a tentative. I'll talk to him in a bit and finalize. There will be so many folks at the 14th meeting that I don't see that as an official 'kickoff.'

Thanks-
Adam

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

"Tova Wang" <wang@tcf.org>



"Tova Wang"
<wang@tcf.org>

10/06/2005 12:04 PM

To aambrogi@eac.gov

cc

Subject RE: October 28 meeting

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-----Original Message-----

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Sent: Thursday, October 06, 2005 11:01 AM

To: wang@tcf.org

Subject: Re: October 28 meeting

Tova:

I was about to email you as well. It was certainly good to meet you last week, as I've heard about your work through numerous sources, and am glad we have finally been able to chat. As with

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many things (we started to discuss), the EAC is doing a lot of these projects for the first time. And unlike a thinktank, or nonprofit, we are constrained in a number of ways, and there are "sensitivities" that exist. Of course, there are benefits to not being a nonprofit, as well.

I'll state that at least myself, but hopefully Cmsr. Martinez will be at the kickoff meeting. You may do this already, but I would attempt to lay out the ideal structure for your involvement in the contract, and perhaps communicate this to Karen and the other contractor immediately before the meeting. That will frame this contract structure (beyond the terms of the agreement) to your liking.

Obviously a suggestion. However, I think that the goal is good, efficient research that is unimpeachable in partisan or methodological grounds--that will then be submitted to the Commission for its approval (and actually getting its approval).

Feel free to call me anytime. If you're in DC before then, and have some time, let's get Cmsr Martinez, you and I together for lunch or coffee.

Best,
Adam

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

"Tova Wang" <wang@tcf.org>

10/06/2005 11:39 AM

To aambrogi@eac.gov
cc
Subject October 28 meeting

Hi Adam,

It was great meeting you at the UDC Law Symposium last week. I wanted to let you know that we are having a meeting about the voter fraud and intimidation meeting at 10 AM on October 28 at the EAC, and it would be great if you and Commissioner Martinez could be there. Let me know, and let's stay in touch. Thanks so much.

Tova

028818

Tova Andrea Wang
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Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

Karen Lynn-Dyson/EAC/GOV

To Adam Ambrogi/EAC/GOV@EAC

10/18/2005 04:36 PM

cc

bcc

Subject Fw: Requested Documents

History:

This message has been forwarded

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 10/17/2005 04:35 PM —

Karen Lynn-Dyson/EAC/GOV

To aimee sherrill

10/18/2005 04:24 PM

cc

Subject Fw: Requested Documents

Karen Lynn-Dyson
Research Manager
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— Forwarded by Karen Lynn-Dyson/EAC/GOV on 10/17/2005 04:23 PM —



"Job Serebrov"

<[REDACTED]>

08/19/2005 12:16 PM

To "Karen Lynn Dyson" <klynndyson@eac.gov>

cc

Subject Requested Documents

Karen:

Here are the documents that you requested.

Regards,



Job ResumeReg.doc Summary of Election Activities

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JOB SEREBROV

2110 S. Spring St.
Little Rock, AR 72206
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501.324.7330 (O)
serebrov@sbcglobal.net

LEGAL

PRACTICE:

Law clerk to Judge Lavenski R. Smith, U.S. Court of Appeals for the Eighth Circuit; 425 West Capitol Ave., Ste. 3110, Metropolitan Bank Bldg., Little Rock, Arkansas 72201

Supervisor: Judge Lavenski R. Smith, 501.324.7310

Hours per week: 40+Dates of employment: August 2004-August 2005

Job duties: Legal research for cases assigned monthly by the judge, drafting of case memorandums and opinions, review of administrative panel and death penalty appeals and attendance at oral argument when required

Private practice of law

Supervisor: Self

Hours per week: 40+Dates of employment: April 1991 - December 1998, May 1999 - July 2004

Associate attorney, The Nixon Law Firm; 2340 Green Acres Road, Ste. 12, Fayetteville, Arkansas 72703

Supervisor: David Nixon, 479. 582.0020

Hours per week: 40+Dates of employment: December 1998-April 1999

Areas of legal practice:

- Federal and state voting issues and election law
- Federal and state civil and criminal appeals and habeas petitions
- Discovery, trial preparation, trial briefs, trial strategy
- Legislative drafting and review
- Legislative and regulatory advocacy
- Initiatives and referendums
- Administrative law
- Constitutional law
- Legal research and writing
- Election consulting for federal and state candidates
- International development projects

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